

By: Representative Watson

To: Transportation

HOUSE BILL NO. 439

1 AN ACT TO AMEND SECTION 63-9-31, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE DATE OF REPEAL ON THE AUTHORITY OF THE MISSISSIPPI
3 HIGHWAY SAFETY PATROL, COUNTIES AND MUNICIPALITIES TO ASSESS AN
4 ADDITIONAL SURCHARGE UPON PERSONS FINED FOR CERTAIN MOVING TRAFFIC
5 VIOLATIONS FOR THE PURPOSE OF FUNDING THE WIRELESS COMMUNICATIONS
6 PROGRAM AND THE AUTOMATION OF CITATIONS ISSUED BY HIGHWAY PATROL
7 OFFICERS; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 63-9-31, Mississippi Code of 1972, is
10 amended as follows:

11 63-9-31. (1) In addition to any other monetary penalties
12 and other penalties imposed by law, any county or municipality
13 which participates in a wireless radio communications program
14 approved by the applicable governing authorities may assess an
15 additional surcharge in an amount not to exceed Ten Dollars
16 (\$10.00) on each person upon whom a court imposes a fine or other
17 penalty for each violation of Title 63, Mississippi Code of 1972,
18 except offenses relating to vehicular parking or registration. On
19 all citations issued by Mississippi Highway Safety Patrol
20 officers, a surcharge in the amount of Ten Dollars (\$10.00) shall
21 be collected by the court and deposited as provided in subsection
22 (2) of this section. The proceeds from the surcharge on citations
23 issued by county and municipal law enforcement officers may be
24 used by a county or municipality only to fund that county's or
25 municipality's participation in the wireless radio communications
26 program by funding public safety wireless communications systems
27 and related computer and communications equipment. The proceeds
28 from the surcharge on citations issued by Mississippi Highway
29 Safety Patrol officers shall be used as provided in subsection (2)

30 of this section. All proceeds from the surcharge imposed by this
31 subsection shall be deposited into a special fund in the
32 Department of Public Safety's Office of Public Safety Planning.
33 The Office of Public Safety Planning shall promulgate rules and
34 procedures relating to the administration of the special fund and
35 the disbursement of monies in the fund to participating
36 governmental entities. The maximum amount that a governmental
37 entity may receive from the special fund shall be an amount equal
38 to the deposits made into the fund by that entity, less one
39 percent (1%) to be retained by the Office of Public Safety
40 Planning to defray the costs of administering the special fund.
41 Interest earned on the special fund shall remain in the fund and
42 shall be used by the Office of Public Safety Planning to further
43 defray the costs of administering the special fund.

44 (2) Deposits into the special fund resulting from citations
45 issued by the Mississippi Highway Safety Patrol shall be utilized
46 as follows: Fifty percent (50%) of the deposits into the special
47 fund shall be used to automate the citations issued by Mississippi
48 Highway Safety Patrol officers (including the transmittal of
49 citations to the justice court, retrieval of the disposition from
50 the justice court, and updating the driver's records) and fifty
51 percent (50%) of the deposits into the special fund shall be used
52 for the purpose of funding wireless communications and related
53 computer equipment, subject to the approval of the Mississippi
54 Department of Information Technology Services.

55 (3) Approval of a wireless radio communications program must
56 be given by the applicable governing authorities when:

57 (a) The program includes the sharing of support
58 facilities, including, but not limited to, towers, shelters and
59 microwave, by participating entities; or

60 (b) The program includes the establishment of a mutual
61 aid system using common radio frequency channels between
62 participating entities; or

63 (c) The program sets forth a feasible methodology that
64 utilizes the radio frequency spectrum in an efficient manner.

65 (4) Participating counties, municipalities and the
66 Mississippi Highway Safety Patrol must provide notification of
67 facilities available for interoperability to the Mississippi
68 Department of Information Technology Services annually.

69 (5) Counties and municipalities participating in a wireless
70 radio communications program and the Mississippi Highway Safety
71 Patrol must comply with competitive bidding requirements
72 prescribed in Section 31-7-13 and are encouraged to utilize an
73 open architecture, nonproprietary system.

74 (6) This section shall stand repealed on July 1, 2006.

75 **SECTION 2.** This act shall take effect and be in force from
76 and after July 1, 2004.