

By: Representative Watson

To: Transportation

HOUSE BILL NO. 439
(As Passed the House)

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; TO INCLUDE COMPUTER SOFTWARE IN THE PURPOSES FOR WHICH
8 PROGRAM FUNDS MAY BE EXPENDED; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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