

By: Representatives Whittington, Carlton,
Clarke

To: Judiciary A

HOUSE BILL NO. 1067

1 AN ACT TO CREATE THE DRUG COURT FUND FOR THE PURPOSES OF
2 SUPPLEMENTAL FUND FOR DRUG COURTS; TO AMEND SECTION 99-19-73,
3 MISSISSIPPI CODE OF 1972, TO PROVIDE ASSESSMENTS ON CERTAIN
4 CRIMINAL OFFENSES TO BE DEPOSITED INTO THE DRUG COURT FUND; AND
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** There is created in the State Treasury a special
8 interest-bearing fund to be known as the Drug Court Fund. The
9 purpose of the fund shall be to provide supplemental funding to
10 all drug courts in the state. Expenditures from the fund shall be
11 distributed by the State Treasurer equally to the drug courts in
12 the state. The fund shall be a continuing fund, not subject to
13 fiscal-year limitations, and shall consist of: (a) monies
14 appropriated by the Legislature for the purposes of funding drug
15 courts; (b) the interest accruing to the fund; (c) monies received
16 under the provisions of Section 99-19-73; (d) monies received from
17 the federal government; and (e) monies received from such other
18 sources as may be provided by law.

19 **SECTION 1.** Section 99-19-73, Mississippi Code of 1972, is
20 amended as follows:

21 99-19-73. (1) **Traffic Violations.** In addition to any
22 monetary penalties and any other penalties imposed by law, there
23 shall be imposed and collected the following state assessment from
24 each person upon whom a court imposes a fine or other penalty for
25 any violation in Title 63, Mississippi Code of 1972, except
26 offenses relating to the Mississippi Implied Consent Law (Section
27 63-11-1 et seq.) and offenses relating to vehicular parking or
28 registration:

29	FUND	AMOUNT
30	State Court Education Fund.....	\$ 1.50
31	State Prosecutor Education Fund.....	1.00
32	Driver Training Penalty Assessment Fund.....	7.00
33	Law Enforcement Officers Training Fund.....	5.00
34	Spinal Cord and Head Injury Trust Fund	
35	(for all moving violations).....	4.00
36	Emergency Medical Services Operating Fund.....	10.00
37	Mississippi Leadership Council on Aging Fund.....	1.00
38	Law Enforcement Officers and Fire Fighters Death	
39	Benefits Trust Fund.....	.50
40	State Prosecutor Compensation Fund for the purpose	
41	of providing additional compensation for legal	
42	assistants to district attorneys.....	1.00
43	TOTAL STATE ASSESSMENT.....	\$ 31.00

44 (2) **Implied Consent Law Violations.** In addition to any
45 monetary penalties and any other penalties imposed by law, there
46 shall be imposed and collected the following state assessment from
47 each person upon whom a court imposes a fine or any other penalty
48 for any violation of the Mississippi Implied Consent Law (Section
49 63-11-1 et seq.):

50	FUND	AMOUNT
51	Crime Victims' Compensation Fund.....	\$ 10.00
52	State Court Education Fund.....	1.50
53	State Prosecutor Education Fund.....	1.00
54	Driver Training Penalty Assessment Fund.....	22.00
55	Law Enforcement Officers Training Fund.....	11.00
56	Emergency Medical Services Operating Fund.....	10.00
57	Mississippi Alcohol Safety Education Program Fund....	5.00
58	Federal-State Alcohol Program Fund.....	10.00
59	Mississippi Crime Laboratory	
60	Implied Consent Law Fund.....	25.00
61	Spinal Cord and Head Injury Trust Fund.....	25.00

62	Capital Defense Counsel Special Fund.....	1.00
63	State General Fund.....	35.00
64	Law Enforcement Officers and Fire Fighters Death	
65	Benefits Trust Fund.....	.50
66	State Prosecutor Compensation Fund for the purpose	
67	of providing additional compensation for legal	
68	assistants to district attorneys.....	1.00
69	<u>Drug Court Fund.....</u>	<u>25.00</u>
70	TOTAL STATE ASSESSMENT.....	<u>\$183.00</u>

71 (3) **Game and Fish Law Violations.** In addition to any
72 monetary penalties and any other penalties imposed by law, there
73 shall be imposed and collected the following state assessment from
74 each person upon whom a court imposes a fine or other penalty for
75 any violation of the game and fish statutes or regulations of this
76 state:

77	FUND	AMOUNT
78	State Court Education Fund.....	\$ 1.50
79	State Prosecutor Education Fund.....	1.00
80	Law Enforcement Officers Training Fund.....	5.00
81	Hunter Education and Training Program Fund.....	5.00
82	State General Fund.....	30.00
83	Law Enforcement Officers and Fire Fighters Death	
84	Benefits Trust Fund.....	.50
85	State Prosecutor Compensation Fund for the purpose	
86	of providing additional compensation for legal	
87	assistants to district attorneys.....	1.00
88	TOTAL STATE ASSESSMENT.....	\$ 44.00

89 (4) **Litter Law Violations.** In addition to any monetary
90 penalties and any other penalties imposed by law, there shall be
91 imposed and collected the following state assessment from each
92 person upon whom a court imposes a fine or other penalty for any
93 violation of Section 97-15-29 or 97-15-30:

94	FUND	AMOUNT
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95 Statewide Litter Prevention Fund..... \$ 25.00
 96 State Prosecutor Compensation Fund for the purpose
 97 of providing additional compensation for legal
 98 assistants to district attorneys..... 1.00
 99 TOTAL STATE ASSESSMENT..... \$ 26.00

100 (5) (a) **Other Misdemeanors.** In addition to any monetary
 101 penalties and any other penalties imposed by law, there shall be
 102 imposed and collected the following state assessment from each
 103 person upon whom a court imposes a fine or other penalty for any
 104 misdemeanor violation not specified in subsection (1), (2) or (3)
 105 of this section, except offenses relating to vehicular parking or
 106 registration:

107 FUND	AMOUNT
108 Crime Victims' Compensation Fund.....	\$ 10.00
109 State Court Education Fund.....	1.50
110 State Prosecutor Education Fund.....	1.00
111 Law Enforcement Officers Training Fund.....	5.00
112 Capital Defense Counsel Special Fund.....	1.00
113 State General Fund.....	30.00
114 State Crime Stoppers Fund.....	1.50
115 Law Enforcement Officers and Fire Fighters Death 116 Benefits Trust Fund.....	.50
117 State Prosecutor Compensation Fund for the purpose 118 of providing additional compensation for legal 119 assistants to district attorneys.....	1.00
120 TOTAL STATE ASSESSMENT.....	\$ 51.50

121 (b) In addition to any monetary penalties and any other
 122 penalties imposed by law, there shall be imposed and collected the
 123 following state assessment from each person upon whom a court
 124 imposes a fine or other penalty for any controlled substances law
 125 misdemeanor:

126 <u>Drug Court Fund.....</u>	<u>\$25.00</u>
127 <u>TOTAL STATE ASSESSMENT.....</u>	<u>\$25.00</u>

128 (6) (a) **Other Felonies.** In addition to any monetary
 129 penalties and any other penalties imposed by law, there shall be
 130 imposed and collected the following state assessment from each
 131 person upon whom a court imposes a fine or other penalty for any
 132 felony violation not specified in subsection (1), (2) or (3) of
 133 this section:

134 FUND	AMOUNT
135 Crime Victims' Compensation Fund.....	\$ 10.00
136 State Court Education Fund.....	1.50
137 State Prosecutor Education Fund.....	1.00
138 Law Enforcement Officers Training Fund.....	5.00
139 Capital Defense Counsel Special Fund.....	1.00
140 State General Fund.....	60.00
141 Criminal Justice Fund.....	50.00
142 Law Enforcement Officers and Fire Fighters Death	
143 Benefits Trust Fund.....	.50
144 State Prosecutor Compensation Fund for the purpose	
145 of providing additional compensation for legal	
146 assistants to district attorneys.....	1.00
147 TOTAL STATE ASSESSMENT.....	\$130.00

148 (b) In addition to any monetary penalties and any other
 149 penalties imposed by law, there shall be imposed and collected the
 150 following state assessment from each person upon whom a court
 151 imposes a fine or other penalty for any controlled substances law
 152 felony:

153 <u>Drug Court Fund.....</u>	<u>\$25.00</u>
154 <u>TOTAL STATE ASSESSMENT.....</u>	<u>\$25.00</u>

155 (7) If a fine or other penalty imposed is suspended, in
 156 whole or in part, such suspension shall not affect the state
 157 assessment under this section. No state assessment imposed under
 158 the provisions of this section may be suspended or reduced by the
 159 court.

160 (8) After a determination by the court of the amount due, it
161 shall be the duty of the clerk of the court to promptly collect
162 all state assessments imposed under the provisions of this
163 section. The state assessments imposed under the provisions of
164 this section may not be paid by personal check. It shall be the
165 duty of the chancery clerk of each county to deposit all such
166 state assessments collected in the circuit, county and justice
167 courts in such county on a monthly basis with the State Treasurer
168 pursuant to appropriate procedures established by the State
169 Auditor. The chancery clerk shall make a monthly lump-sum deposit
170 of the total state assessments collected in the circuit, county
171 and justice courts in such county under this section, and shall
172 report to the Department of Finance and Administration the total
173 number of violations under each subsection for which state
174 assessments were collected in the circuit, county and justice
175 courts in such county during such month. It shall be the duty of
176 the municipal clerk of each municipality to deposit all such state
177 assessments collected in the municipal court in such municipality
178 on a monthly basis with the State Treasurer pursuant to
179 appropriate procedures established by the State Auditor. The
180 municipal clerk shall make a monthly lump-sum deposit of the total
181 state assessments collected in the municipal court in such
182 municipality under this section, and shall report to the
183 Department of Finance and Administration the total number of
184 violations under each subsection for which state assessments were
185 collected in the municipal court in such municipality during such
186 month.

187 (9) It shall be the duty of the Department of Finance and
188 Administration to deposit on a monthly basis all such state
189 assessments into the proper special fund in the State Treasury.
190 The monthly deposit shall be based upon the number of violations
191 reported under each subsection and the pro rata amount of such
192 assessment due to the appropriate special fund. The Department of

193 Finance and Administration shall issue regulations providing for
194 the proper allocation of these special funds.

195 (10) The State Auditor shall establish by regulation
196 procedures for refunds of state assessments, including refunds
197 associated with assessments imposed before July 1, 1990, and
198 refunds after appeals in which the defendant's conviction is
199 reversed. The Auditor shall provide in such regulations for
200 certification of eligibility for refunds and may require the
201 defendant seeking a refund to submit a verified copy of a court
202 order or abstract by which such defendant is entitled to a refund.
203 All refunds of state assessments shall be made in accordance with
204 the procedures established by the Auditor.

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206 **SECTION 3.** This act shall take effect and be in force from
207 and after July 1, 2004.