

By: Representative Reeves

To: Judiciary A

## HOUSE BILL NO. 1202

1 AN ACT TO CHARGE AN ADDITIONAL ONE DOLLAR FEE IN ALL CIVIL  
2 CASES; TO CREATE THE "COMMISSION ON JUDICIAL PERFORMANCE FUND" AND  
3 TO PROVIDE THAT ALL SUCH FEES COLLECTED SHALL BE DEPOSITED INTO  
4 THE FUND AND MAY BE EXPENDED BY THE COMMISSION TO DEFRAY THE COST  
5 OF PERFORMING THE DUTIES GRANTED TO THE COMMISSION; TO AMEND  
6 SECTION 99-19-73, MISSISSIPPI CODE OF 1972, TO ADD TO THE LIST OF  
7 ADDITIONAL FEES CHARGED FOR CERTAIN FINES AND PENALTIES A ONE  
8 DOLLAR FEE FOR THE COMMISSION ON JUDICIAL PERFORMANCE FUND AND TO  
9 EXTEND THE DATE OF REPEAL ON SUCH SECTION; AND FOR RELATED  
10 PURPOSES.

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

12 **SECTION 1.** (1) In addition to any other fees or costs now  
13 or as may hereafter be provided by law, there is hereby charged in  
14 all civil cases in the chancery, circuit, county, justice and  
15 municipal courts of this state a judicial performance cost in the  
16 amount of One Dollar (\$1.00), except in justice court cases where  
17 the amount sued for is less than Fifteen Dollars (\$15.00). Such  
18 cost shall be collected by the clerk or judicial officer from the  
19 party bringing the civil action at the time of filing and taxed as  
20 costs.

21 (2) It shall be the duty of the clerk of any court to  
22 promptly collect the costs imposed pursuant to the provisions of  
23 subsection (1) of this section. In all cases, the clerk shall  
24 deposit monthly all such costs so collected with the State  
25 Treasurer either directly or by other appropriate procedures. All  
26 such deposits shall be clearly marked for the Commission on  
27 Judicial Performance Fund. Upon receipt of such deposits, the  
28 State Treasurer shall credit any amounts so deposited to the  
29 Commission on Judicial Performance Fund created pursuant to  
30 subsection (3) of this section.

31 (3) Assessments collected under subsection (2) of this  
 32 section shall be deposited in a special fund created by the State  
 33 Treasury and designated the "Commission on Judicial Performance  
 34 Fund." Monies deposited in the fund shall be expended by the  
 35 Commission on Judicial Performance as authorized and appropriated  
 36 by the Legislature to defray the cost of performing the duties  
 37 granted to the commission by the Mississippi Constitution of 1890.

38 **SECTION 2.** Section 99-19-73, Mississippi Code of 1972, is  
 39 amended as follows:

40 99-19-73. (1) **Traffic Violations.** In addition to any  
 41 monetary penalties and any other penalties imposed by law, there  
 42 shall be imposed and collected the following state assessment from  
 43 each person upon whom a court imposes a fine or other penalty for  
 44 any violation in Title 63, Mississippi Code of 1972, except  
 45 offenses relating to the Mississippi Implied Consent Law (Section  
 46 63-11-1 et seq.) and offenses relating to vehicular parking or  
 47 registration:

48 FUND	AMOUNT
49 State Court Education Fund.....	\$ 1.50
50 State Prosecutor Education Fund.....	1.00
51 Driver Training Penalty Assessment Fund.....	7.00
52 Law Enforcement Officers Training Fund.....	5.00
53 Spinal Cord and Head Injury Trust Fund	
54 (for all moving violations).....	4.00
55 Emergency Medical Services Operating Fund.....	10.00
56 Mississippi Leadership Council on Aging Fund.....	1.00
57 Law Enforcement Officers and Fire Fighters Death	
58 Benefits Trust Fund.....	.50
59 State Prosecutor Compensation Fund for the purpose	
60 of providing additional compensation for legal	
61 assistants to district attorneys.....	1.00
62 <u>Commission on Judicial Performance Fund .....</u>	<u>1.00</u>
63 <u>TOTAL STATE ASSESSMENT.....</u>	<u>\$ 32.00</u>

64           (2) **Implied Consent Law Violations.** In addition to any  
 65 monetary penalties and any other penalties imposed by law, there  
 66 shall be imposed and collected the following state assessment from  
 67 each person upon whom a court imposes a fine or any other penalty  
 68 for any violation of the Mississippi Implied Consent Law (Section  
 69 63-11-1 et seq.):

70           FUND	AMOUNT
71           Crime Victims' Compensation Fund.....	\$ 10.00
72           State Court Education Fund.....	1.50
73           State Prosecutor Education Fund.....	1.00
74           Driver Training Penalty Assessment Fund.....	22.00
75           Law Enforcement Officers Training Fund.....	11.00
76           Emergency Medical Services Operating Fund.....	10.00
77           Mississippi Alcohol Safety Education Program Fund....	5.00
78           Federal-State Alcohol Program Fund.....	10.00
79           Mississippi Crime Laboratory	
80                 Implied Consent Law Fund.....	25.00
81           Spinal Cord and Head Injury Trust Fund.....	25.00
82           Capital Defense Counsel Special Fund.....	1.00
83           State General Fund .....	35.00
84           Law Enforcement Officers and Fire Fighters Death	
85                 Benefits Trust Fund.....	.50
86           State Prosecutor Compensation Fund for the purpose	
87                 of providing additional compensation for legal	
88                 assistants to district attorneys.....	1.00
89 <u>Commission on Judicial Performance Fund .....</u>	<u>1.00</u>
90           TOTAL STATE ASSESSMENT .....	<u>\$159.00</u>

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

97	FUND	AMOUNT
98	State Court Education Fund.....	\$ 1.50
99	State Prosecutor Education Fund.....	1.00
100	Law Enforcement Officers Training Fund.....	5.00
101	Hunter Education and Training Program Fund.....	5.00
102	State General Fund.....	30.00
103	Law Enforcement Officers and Fire Fighters Death	
104	Benefits Trust Fund.....	.50
105	State Prosecutor Compensation Fund for the purpose	
106	of providing additional compensation for legal	
107	assistants to district attorneys .....	1.00
108	<u>Commission on Judicial Performance Fund.....</u>	<u>1.00</u>
109	TOTAL STATE ASSESSMENT .....	\$ <u>45.00</u>

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

115	FUND	AMOUNT
116	Statewide Litter Prevention Fund.....	\$ 25.00
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.....	\$ 26.00

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

128	FUND	AMOUNT
129	Crime Victims' Compensation Fund.....	\$ 10.00

130	State Court Education Fund.....	1.50
131	State Prosecutor Education Fund.....	1.00
132	Law Enforcement Officers Training Fund.....	5.00
133	Capital Defense Counsel Special Fund.....	1.00
134	State General Fund.....	30.00
135	State Crime Stoppers Fund.....	1.50
136	Law Enforcement Officers and Fire Fighters Death	
137	Benefits Trust Fund.....	.50
138	State Prosecutor Compensation Fund for the purpose	
139	of providing additional compensation for legal	
140	assistants to district attorneys .....	1.00
141	<u>Commission on Judicial Performance Fund.....</u>	<u>1.00</u>
142	TOTAL STATE ASSESSMENT.....	<u>\$52.50</u>

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

149	FUND	AMOUNT
150	Crime Victims' Compensation Fund.....	\$ 10.00
151	State Court Education Fund.....	1.50
152	State Prosecutor Education Fund.....	1.00
153	Law Enforcement Officers Training Fund.....	5.00
154	Capital Defense Counsel Special Fund.....	1.00
155	State General Fund.....	60.00
156	Criminal Justice Fund.....	50.00
157	Law Enforcement Officers and Fire Fighters Death	
158	Benefits Trust Fund.....	.50
159	State Prosecutor Compensation Fund for the purpose	
160	of providing additional compensation for legal	
161	assistants to district attorneys.....	1.00
162	<u>Commission on Judicial Performance Fund.....</u>	<u>1.00</u>

163 TOTAL STATE ASSESSMENT ..... \$131.00

164 (7) If a fine or other penalty imposed is suspended, in  
165 whole or in part, such suspension shall not affect the state  
166 assessment under this section. No state assessment imposed under  
167 the provisions of this section may be suspended or reduced by the  
168 court.

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

196           (9) It shall be the duty of the Department of Finance and  
197 Administration to deposit on a monthly basis all such state  
198 assessments into the proper special fund in the State Treasury.  
199 The monthly deposit shall be based upon the number of violations  
200 reported under each subsection and the pro rata amount of such  
201 assessment due to the appropriate special fund. The Department of  
202 Finance and Administration shall issue regulations providing for  
203 the proper allocation of these special funds.

204           (10) The State Auditor shall establish by regulation  
205 procedures for refunds of state assessments, including refunds  
206 associated with assessments imposed before July 1, 1990, and  
207 refunds after appeals in which the defendant's conviction is  
208 reversed. The Auditor shall provide in such regulations for  
209 certification of eligibility for refunds and may require the  
210 defendant seeking a refund to submit a verified copy of a court  
211 order or abstract by which such defendant is entitled to a refund.  
212 All refunds of state assessments shall be made in accordance with  
213 the procedures established by the Auditor.

214           (11) This section shall stand repealed on July 1, 2006.

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