

By: Representatives Carlton, Whittington, Akins, Barnett, Bentz, Bounds, Ellington, Ellis, Fillingane, Fleming, Formby, Howell, Lott, Masterson, Mayhall, Moore, Myers, Turner, Wells-Smith

To: Judiciary A; Appropriations

HOUSE BILL NO. 1576

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. Monies from the fund derived from
11 assessments under Section 99-19-73 shall be distributed by the
12 State Treasurer upon warrants issued by the Administrative Office
13 of Courts, pursuant to procedures set by the State Drug Courts
14 Advisory Committee to assist both youth and adult drug courts, to
15 the drug courts where the respective violations occur in the
16 state. Funds from other sources shall be distributed equally to
17 the drug courts in the state based on a formula set by the State
18 Drug Courts Advisory Committee. The fund shall be a continuing
19 fund, not subject to fiscal-year limitations, and shall consist
20 of: (a) monies appropriated by the Legislature for the purposes
21 of funding drug courts; (b) the interest accruing to the fund; (c)
22 monies received under the provisions of Section 99-19-73; (d)
23 monies received from the federal government; and (e) monies
24 received from such other sources as may be provided by law.

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

27 99-19-73. (1) **Traffic Violations.** In addition to any
28 monetary penalties and any other penalties imposed by law, there

29 shall be imposed and collected the following state assessment from
 30 each person upon whom a court imposes a fine or other penalty for
 31 any violation in Title 63, Mississippi Code of 1972, except
 32 offenses relating to the Mississippi Implied Consent Law (Section
 33 63-11-1 et seq.) and offenses relating to vehicular parking or
 34 registration:

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

50 (2) **Implied Consent Law Violations.** In addition to any
 51 monetary penalties and any other penalties imposed by law, there
 52 shall be imposed and collected the following state assessment from
 53 each person upon whom a court imposes a fine or any other penalty
 54 for any violation of the Mississippi Implied Consent Law (Section
 55 63-11-1 et seq.):

56 FUND	AMOUNT
57 Crime Victims' Compensation Fund.....	\$ 10.00
58 State Court Education Fund.....	1.50
59 State Prosecutor Education Fund.....	1.00
60 Driver Training Penalty Assessment Fund.....	22.00
61 Law Enforcement Officers Training Fund.....	11.00

62	Emergency Medical Services Operating Fund.....	10.00
63	Mississippi Alcohol Safety Education Program Fund....	5.00
64	Federal-State Alcohol Program Fund.....	10.00
65	Mississippi Crime Laboratory	
66	Implied Consent Law Fund.....	25.00
67	Spinal Cord and Head Injury Trust Fund.....	25.00
68	Capital Defense Counsel Special Fund.....	1.00
69	State General Fund.....	35.00
70	Law Enforcement Officers and Fire Fighters Death	
71	Benefits Trust Fund.....	.50
72	State Prosecutor Compensation Fund for the purpose	
73	of providing additional compensation for legal	
74	assistants to district attorneys.....	1.00
75	Drug Court Fund.....	<u>75.00</u>
76	TOTAL STATE ASSESSMENT.....	<u>\$233.00</u>

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

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

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

100 FUND	AMOUNT
101 Statewide Litter Prevention Fund.....	\$ 25.00
102 State Prosecutor Compensation Fund for the purpose	
103 of providing additional compensation for legal	
104 assistants to district attorneys.....	1.00
105 TOTAL STATE ASSESSMENT.....	\$ 26.00

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

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

127 (b) In addition to any monetary penalties and any other
 128 penalties imposed by law, there shall be imposed and collected the
 129 following state assessment from each person upon whom a court
 130 imposes a fine or other penalty for any controlled substances law
 131 misdemeanor:

132	Drug Court Fund.....	\$75.00
133	TOTAL STATE ASSESSMENT.....	\$75.00

134 (6) (a) Other Felonies. In addition to any monetary
 135 penalties and any other penalties imposed by law, there shall be
 136 imposed and collected the following state assessment from each
 137 person upon whom a court imposes a fine or other penalty for any
 138 felony violation not specified in subsection (1), (2) or (3) of
 139 this section:

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

154 (b) In addition to any monetary penalties and any other
 155 penalties imposed by law, there shall be imposed and collected the
 156 following state assessment from each person upon whom a court
 157 imposes a fine or other penalty for any controlled substances law
 158 felony:

159	Drug Court Fund.....	<u>\$75.00</u>
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160 TOTAL STATE ASSESSMENT..... \$75.00

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

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

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

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

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