

By: Senator(s) Ross

To: Judiciary, Division B

SENATE BILL NO. 2756

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 TO ELIMINATE THE REPEALER ON THE STANDARD STATE MONETARY
3 ASSESSMENT FOR CERTAIN VIOLATIONS, MISDEMEANORS AND FELONIES; AND
4 FOR RELATED PURPOSES.

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

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

8 99-19-73. (1) **Traffic Violations.** In addition to any
9 monetary penalties and any other penalties imposed by law, there
10 shall be imposed and collected the following state assessment from
11 each person upon whom a court imposes a fine or other penalty for
12 any violation in Title 63, Mississippi Code of 1972, except
13 offenses relating to the Mississippi Implied Consent Law (Section
14 63-11-1 et seq.) and offenses relating to vehicular parking or
15 registration:

16 FUND	AMOUNT
17 State Court Education Fund.....	\$ 1.50
18 State Prosecutor Education Fund.....	1.00
19 Driver Training Penalty Assessment Fund.....	7.00
20 Law Enforcement Officers Training Fund.....	5.00
21 Spinal Cord and Head Injury Trust Fund	
22 (for all moving violations).....	4.00
23 Emergency Medical Services Operating Fund.....	10.00
24 Mississippi Leadership Council on Aging Fund.....	1.00
25 Law Enforcement Officers and Fire Fighters Death	
26 Benefits Trust Fund.....	.50
27 State Prosecutor Compensation Fund for the purpose	
28 of providing additional compensation for legal	

29 assistants to district attorneys..... 1.00
 30 TOTAL STATE ASSESSMENT..... \$ 31.00

31 (2) **Implied Consent Law Violations.** In addition to any
 32 monetary penalties and any other penalties imposed by law, there
 33 shall be imposed and collected the following state assessment from
 34 each person upon whom a court imposes a fine or any other penalty
 35 for any violation of the Mississippi Implied Consent Law (Section
 36 63-11-1 et seq.):

37 FUND	AMOUNT
38 Crime Victims' Compensation Fund.....	\$ 10.00
39 State Court Education Fund.....	1.50
40 State Prosecutor Education Fund.....	1.00
41 Driver Training Penalty Assessment Fund.....	22.00
42 Law Enforcement Officers Training Fund.....	11.00
43 Emergency Medical Services Operating Fund.....	10.00
44 Mississippi Alcohol Safety Education Program Fund....	5.00
45 Federal-State Alcohol Program Fund.....	10.00
46 Mississippi Crime Laboratory	
47 Implied Consent Law Fund.....	25.00
48 Spinal Cord and Head Injury Trust Fund.....	25.00
49 Capital Defense Counsel Special Fund.....	1.00
50 State General Fund.....	35.00
51 Law Enforcement Officers and Fire Fighters Death	
52 Benefits Trust Fund.....	.50
53 State Prosecutor Compensation Fund for the purpose	
54 of providing additional compensation for legal	
55 assistants to district attorneys.....	1.00
56 TOTAL STATE ASSESSMENT.....	\$158.00

57 (3) **Game and Fish Law Violations.** In addition to any
 58 monetary penalties and any other penalties imposed by law, there
 59 shall be imposed and collected the following state assessment from
 60 each person upon whom a court imposes a fine or other penalty for

61 any violation of the game and fish statutes or regulations of this
62 state:

63	FUND	AMOUNT
64	State Court Education Fund.....	\$ 1.50
65	State Prosecutor Education Fund.....	1.00
66	Law Enforcement Officers Training Fund.....	5.00
67	Hunter Education and Training Program Fund.....	5.00
68	State General Fund.....	30.00
69	Law Enforcement Officers and Fire Fighters Death	
70	Benefits Trust Fund.....	.50
71	State Prosecutor Compensation Fund for the purpose	
72	of providing additional compensation for legal	
73	assistants to district attorneys.....	1.00
74	TOTAL STATE ASSESSMENT.....	\$ 44.00

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

80	FUND	AMOUNT
81	Statewide Litter Prevention Fund.....	\$ 25.00
82	State Prosecutor Compensation Fund for the purpose	
83	of providing additional compensation for legal	
84	assistants to district attorneys.....	1.00
85	TOTAL STATE ASSESSMENT.....	\$ 26.00

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

93	FUND	AMOUNT
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94	Crime Victims' Compensation Fund.....	\$ 10.00
95	State Court Education Fund.....	1.50
96	State Prosecutor Education Fund.....	1.00
97	Law Enforcement Officers Training Fund.....	5.00
98	Capital Defense Counsel Special Fund.....	1.00
99	State General Fund.....	30.00
100	State Crime Stoppers Fund.....	1.50
101	Law Enforcement Officers and Fire Fighters Death	
102	Benefits Trust Fund.....	.50
103	State Prosecutor Compensation Fund for the purpose	
104	of providing additional compensation for legal	
105	assistants to district attorneys.....	1.00
106	TOTAL STATE ASSESSMENT.....	\$ 51.50

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

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.....	60.00
120	Criminal Justice Fund.....	50.00
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.....	\$130.00

127 (7) If a fine or other penalty imposed is suspended, in
128 whole or in part, such suspension shall not affect the state
129 assessment under this section. No state assessment imposed under
130 the provisions of this section may be suspended or reduced by the
131 court.

132 (8) After a determination by the court of the amount due, it
133 shall be the duty of the clerk of the court to promptly collect
134 all state assessments imposed under the provisions of this
135 section. The state assessments imposed under the provisions of
136 this section may not be paid by personal check. It shall be the
137 duty of the chancery clerk of each county to deposit all such
138 state assessments collected in the circuit, county and justice
139 courts in such county on a monthly basis with the State Treasurer
140 pursuant to appropriate procedures established by the State
141 Auditor. The chancery clerk shall make a monthly lump-sum deposit
142 of the total state assessments collected in the circuit, county
143 and justice courts in such county under this section, and shall
144 report to the Department of Finance and Administration the total
145 number of violations under each subsection for which state
146 assessments were collected in the circuit, county and justice
147 courts in such county during such month. It shall be the duty of
148 the municipal clerk of each municipality to deposit all such state
149 assessments collected in the municipal court in such municipality
150 on a monthly basis with the State Treasurer pursuant to
151 appropriate procedures established by the State Auditor. The
152 municipal clerk shall make a monthly lump-sum deposit of the total
153 state assessments collected in the municipal court in such
154 municipality under this section, and shall report to the
155 Department of Finance and Administration the total number of
156 violations under each subsection for which state assessments were
157 collected in the municipal court in such municipality during such
158 month.

159 (9) It shall be the duty of the Department of Finance and
160 Administration to deposit on a monthly basis all such state
161 assessments into the proper special fund in the State Treasury.
162 The monthly deposit shall be based upon the number of violations
163 reported under each subsection and the pro rata amount of such
164 assessment due to the appropriate special fund. The Department of
165 Finance and Administration shall issue regulations providing for
166 the proper allocation of these special funds.

167 (10) The State Auditor shall establish by regulation
168 procedures for refunds of state assessments, including refunds
169 associated with assessments imposed before July 1, 1990, and
170 refunds after appeals in which the defendant's conviction is
171 reversed. The Auditor shall provide in such regulations for
172 certification of eligibility for refunds and may require the
173 defendant seeking a refund to submit a verified copy of a court
174 order or abstract by which such defendant is entitled to a refund.
175 All refunds of state assessments shall be made in accordance with
176 the procedures established by the Auditor.

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