

By: Senator(s) Hyde-Smith, Albritton,
Butler, Chamberlin, Chaney, Dearing, Jackson
(11th), Jordan, Lee (35th), Tollison

To: Judiciary, Division B

SENATE BILL NO. 2892
(As Passed the Senate)

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 juvenile drug courts and adult
15 drug courts, to the drug courts where the respective violations
16 occur in the state. Funds from other sources shall be distributed
17 to the drug courts in the state based on a formula set by the
18 State Drug Courts Advisory Committee. The fund shall be a
19 continuing fund, not subject to fiscal-year limitations, and shall
20 consist of: (a) monies appropriated by the Legislature for the
21 purposes of funding drug courts; (b) the interest accruing to the
22 fund; (c) monies received under the provisions of Section
23 99-19-73; (d) monies received from the federal government; and (e)
24 monies 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 <u>Drug Court Fund</u>	<u>10.00</u>
50 TOTAL STATE ASSESSMENT.....	\$ <u>41.00</u>

51 (2) **Implied Consent Law Violations.** In addition to any
 52 monetary penalties and any other penalties imposed by law, there
 53 shall be imposed and collected the following state assessment from
 54 each person upon whom a court imposes a fine or any other penalty
 55 for any violation of the Mississippi Implied Consent Law (Section
 56 63-11-1 et seq.):

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

62	Law Enforcement Officers Training Fund.....	11.00
63	Emergency Medical Services Operating Fund.....	10.00
64	Mississippi Alcohol Safety Education Program Fund....	5.00
65	Federal-State Alcohol Program Fund.....	10.00
66	Mississippi Crime Laboratory	
67	Implied Consent Law Fund.....	25.00
68	Spinal Cord and Head Injury Trust Fund.....	25.00
69	Capital Defense Counsel Special Fund.....	1.00
70	State General Fund.....	35.00
71	Law Enforcement Officers and Fire Fighters Death	
72	Benefits Trust Fund.....	.50
73	State Prosecutor Compensation Fund for the purpose	
74	of providing additional compensation for legal	
75	assistants to district attorneys.....	1.00
76	<u>Drug Court Fund.....</u>	<u>10.00</u>
77	TOTAL STATE ASSESSMENT.....	<u>\$168.00</u>

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

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

95 Drug Court Fund..... 10.00
 96 TOTAL STATE ASSESSMENT..... \$ 54.00

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

FUND	AMOUNT
Statewide Litter Prevention Fund.....	\$ 25.00
State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys.....	1.00
<u>Drug Court Fund</u>	<u>10.00</u>
TOTAL STATE ASSESSMENT.....	\$ <u>36.00</u>

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

FUND	AMOUNT
Crime Victims' Compensation Fund.....	\$ 10.00
State Court Education Fund.....	1.50
State Prosecutor Education Fund.....	1.00
Law Enforcement Officers Training Fund.....	5.00
Capital Defense Counsel Special Fund.....	1.00
State General Fund.....	30.00
State Crime Stoppers Fund.....	1.50
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	.50
State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal	

128 assistants to district attorneys..... 1.00
 129 Drug Court Fund..... 10.00
 130 TOTAL STATE ASSESSMENT..... \$ 61.50

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

FUND	AMOUNT
139 Crime Victims' Compensation Fund.....	\$ 10.00
140 State Court Education Fund.....	1.50
141 State Prosecutor Education Fund.....	1.00
142 Law Enforcement Officers Training Fund.....	5.00
143 Capital Defense Counsel Special Fund.....	1.00
144 State General Fund.....	60.00
145 Criminal Justice Fund.....	50.00
146 Law Enforcement Officers and Fire Fighters Death 147 Benefits Trust Fund.....	.50
148 State Prosecutor Compensation Fund for the purpose 149 of providing additional compensation for legal 150 assistants to district attorneys.....	1.00
151 <u>Drug Court Fund</u>	<u>10.00</u>
152 TOTAL STATE ASSESSMENT.....	<u>\$140.00</u>

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

159 (8) After a determination by the court of the amount due, it
 160 shall be the duty of the clerk of the court to promptly collect

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

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

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

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