

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 Sent to Governor)

1 AN ACT TO CREATE THE DRUG COURT FUND FOR THE PURPOSE OF  
2 SUPPLEMENTAL FUND FOR DRUG COURTS; TO CREATE CRISIS INTERVENTION  
3 MENTAL HEALTH FUND TO PROVIDE FUNDING FOR SEVEN MENTAL HEALTH  
4 CRISIS CENTERS IN THE STATE AND THE SPECIAL TREATMENT FACILITY; TO  
5 CREATE THE JUDICIAL PERFORMANCE COMMISSION FUND; TO AMEND SECTION  
6 99-19-73, MISSISSIPPI CODE OF 1972, TO PROVIDE ASSESSMENTS ON  
7 CERTAIN CRIMINAL OFFENSES TO BE DEPOSITED INTO THE FUNDS CREATED  
8 IN THIS ACT, AND TO ELIMINATE THE AUTOMATIC REPEALER IN THIS  
9 SECTION; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** There is created in the State Treasury a special  
12 interest-bearing fund to be known as the Drug Court Fund. The  
13 purpose of the fund shall be to provide supplemental funding to  
14 all drug courts in the state. Monies from the funds derived from  
15 assessments under Section 99-19-73 shall be distributed by the  
16 State Treasurer upon warrants issued by the Administrative Office  
17 of Courts, pursuant to procedures set by the State Drug Courts  
18 Advisory Committee to assist both juvenile drug courts and adult  
19 drug courts, to the drug courts where the respective violations  
20 occur in the state. Funds from other sources shall be distributed  
21 to the drug courts in the state based on a formula set by the  
22 State Drug Courts Advisory Committee. The fund shall be a  
23 continuing fund, not subject to fiscal-year limitations, and shall  
24 consist of: (a) monies appropriated by the Legislature for the  
25 purposes of funding drug courts; (b) the interest accruing to the  
26 fund; (c) monies received under the provisions of Section  
27 99-19-73; (d) monies received from the federal government; and (e)  
28 monies received from such other sources as may be provided by law.

29 **SECTION 2.** There is created in the State Treasury a special  
30 interest-bearing fund to be known as the Crisis Intervention

31 Mental Health Fund. The purpose of the fund shall be to provide  
32 funding for the seven (7) mental health crisis centers in the  
33 state and the Special Treatment Facility located in Harrison  
34 County. Monies from the fund derived from assessments under  
35 Section 99-19-73 shall be administered and distributed by the  
36 State Treasurer upon warrants issued by the Department of Mental  
37 Health. The fund shall be a continuing fund, not subject to  
38 fiscal-year limitations, and shall consist of: (a) monies  
39 appropriated by the Legislature for the purposes of funding mental  
40 health crisis centers and the Special Treatment Facility; (b) the  
41 interest accruing to the fund; (c) monies received under the  
42 provisions of Section 99-19-73; (d) monies received from the  
43 federal government; and (e) monies received from such other  
44 sources as may be provided by law.

45 **SECTION 3.** There is created in the State Treasury a special  
46 interest-bearing fund to be known as the Judicial Performance  
47 Fund. The purpose of the fund shall be to provide supplemental  
48 funding to the Commission on Judicial Performance. Monies from  
49 the funds derived from assessments under Section 99-19-73 shall be  
50 distributed by the State Treasurer upon warrants issued by the  
51 Commission on Judicial Performance. The fund shall be a  
52 continuing fund, not subject to fiscal-year limitations, and shall  
53 consist of: (a) monies appropriated by the Legislature for the  
54 purpose of funding the Commission on Judicial Performance; (b) the  
55 interest accruing to the fund; (c) monies received under the  
56 provisions of Section 99-19-73; (d) monies received from the  
57 federal government; and (e) monies received from such other  
58 sources as may be provided by law.

59 **SECTION 4.** Section 99-19-73, Mississippi Code of 1972, is  
60 amended as follows:

61 99-19-73. (1) **Traffic Violations.** In addition to any  
62 monetary penalties and any other penalties imposed by law, there  
63 shall be imposed and collected the following state assessment from

64 each person upon whom a court imposes a fine or other penalty for  
 65 any violation in Title 63, Mississippi Code of 1972, except  
 66 offenses relating to the Mississippi Implied Consent Law (Section  
 67 63-11-1 et seq.) and offenses relating to vehicular parking or  
 68 registration:

69 FUND	AMOUNT
70 State Court Education Fund.....	\$ 1.50
71 State Prosecutor Education Fund.....	1.00
72 Driver Training Penalty Assessment Fund.....	7.00
73 Law Enforcement Officers Training Fund.....	5.00
74 Spinal Cord and Head Injury Trust Fund	
75 (for all moving violations).....	4.00
76 Emergency Medical Services Operating Fund.....	10.00
77 Mississippi Leadership Council on Aging Fund.....	1.00
78 Law Enforcement Officers and Fire Fighters Death	
79 Benefits Trust Fund.....	.50
80 State Prosecutor Compensation Fund for the purpose	
81 of providing additional compensation for legal	
82 assistants to district attorneys.....	1.00
83 <u>Crisis Intervention Mental Health Fund</u> .....	<u>10.00</u>
84 <u>Drug Court Fund</u> .....	<u>10.00</u>
85 TOTAL STATE ASSESSMENT.....	\$ <u>51.00</u>

86 (2) **Implied Consent Law Violations.** In addition to any  
 87 monetary penalties and any other penalties imposed by law, there  
 88 shall be imposed and collected the following state assessment from  
 89 each person upon whom a court imposes a fine or any other penalty  
 90 for any violation of the Mississippi Implied Consent Law (Section  
 91 63-11-1 et seq.):

92 FUND	AMOUNT
93 Crime Victims' Compensation Fund.....	\$ 10.00
94 State Court Education Fund.....	1.50
95 State Prosecutor Education Fund.....	1.00
96 Driver Training Penalty Assessment Fund.....	22.00

97	Law Enforcement Officers Training Fund.....	11.00
98	Emergency Medical Services Operating Fund.....	10.00
99	Mississippi Alcohol Safety Education Program Fund....	5.00
100	Federal-State Alcohol Program Fund.....	10.00
101	Mississippi Crime Laboratory	
102	Implied Consent Law Fund.....	25.00
103	Spinal Cord and Head Injury Trust Fund.....	25.00
104	Capital Defense Counsel Special Fund.....	1.00
105	State General Fund.....	35.00
106	Law Enforcement Officers and Fire Fighters Death	
107	Benefits Trust Fund.....	.50
108	State Prosecutor Compensation Fund for the purpose	
109	of providing additional compensation for legal	
110	assistants to district attorneys.....	1.00
111	<u>Crisis Intervention Mental Health Fund</u> .....	<u>10.00</u>
112	<u>Drug Court Fund</u> .....	<u>10.00</u>
113	TOTAL STATE ASSESSMENT.....	\$ <u>178.00</u>

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

120	FUND	AMOUNT
121	State Court Education Fund.....	\$ 1.50
122	State Prosecutor Education Fund.....	1.00
123	Law Enforcement Officers Training Fund.....	5.00
124	Hunter Education and Training Program Fund.....	5.00
125	State General Fund.....	30.00
126	Law Enforcement Officers and Fire Fighters Death	
127	Benefits Trust Fund.....	.50
128	State Prosecutor Compensation Fund for the purpose	
129	of providing additional compensation for legal	

130	assistants to district attorneys.....	1.00
131	<u>Crisis Intervention Mental Health Fund</u> .....	<u>10.00</u>
132	<u>Drug Court Fund</u> .....	<u>10.00</u>
133	TOTAL STATE ASSESSMENT.....	\$ <u>64.00</u>

134 (4) **Litter Law Violations.** 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 violation of Section 97-15-29 or 97-15-30:

139	FUND	AMOUNT
140	Statewide Litter Prevention Fund.....	\$ 25.00
141	State Prosecutor Compensation Fund for the purpose	
142	of providing additional compensation for legal	
143	assistants to district attorneys.....	1.00
144	<u>Crisis Intervention Mental Health Fund</u> .....	<u>10.00</u>
145	<u>Drug Court Fund</u> .....	<u>10.00</u>
146	TOTAL STATE ASSESSMENT.....	\$ <u>46.00</u>

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

154	FUND	AMOUNT
155	Crime Victims' Compensation Fund.....	\$ 10.00
156	State Court Education Fund.....	1.50
157	State Prosecutor Education Fund.....	1.00
158	Law Enforcement Officers Training Fund.....	5.00
159	Capital Defense Counsel Special Fund.....	1.00
160	State General Fund.....	30.00
161	State Crime Stoppers Fund.....	1.50
162	Law Enforcement Officers and Fire Fighters Death	

163	Benefits Trust Fund.....	.50
164	State Prosecutor Compensation Fund for the purpose	
165	of providing additional compensation for legal	
166	assistants to district attorneys.....	1.00
167	<u>Crisis Intervention Mental Health Fund</u> .....	<u>10.00</u>
168	<u>Drug Court Fund</u> .....	<u>8.00</u>
169	<u>Judicial Performance Fund</u> .....	<u>2.00</u>
170	TOTAL STATE ASSESSMENT.....	\$ <u>71.50</u>

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

178	FUND	AMOUNT
179	Crime Victims' Compensation Fund.....	\$ 10.00
180	State Court Education Fund.....	1.50
181	State Prosecutor Education Fund.....	1.00
182	Law Enforcement Officers Training Fund.....	5.00
183	Capital Defense Counsel Special Fund.....	1.00
184	State General Fund.....	60.00
185	Criminal Justice Fund.....	50.00
186	Law Enforcement Officers and Fire Fighters Death	
187	Benefits Trust Fund.....	.50
188	State Prosecutor Compensation Fund for the purpose	
189	of providing additional compensation for legal	
190	assistants to district attorneys.....	1.00
191	<u>Crisis Intervention Mental Health Fund</u> .....	<u>10.00</u>
192	<u>Drug Court Fund</u> .....	<u>10.00</u>
193	TOTAL STATE ASSESSMENT.....	\$ <u>150.00</u>

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195 (7) If a fine or other penalty imposed is suspended, in  
196 whole or in part, such suspension shall not affect the state  
197 assessment under this section. No state assessment imposed under  
198 the provisions of this section may be suspended or reduced by the  
199 court.

200 (8) After a determination by the court of the amount due, it  
201 shall be the duty of the clerk of the court to promptly collect  
202 all state assessments imposed under the provisions of this  
203 section. The state assessments imposed under the provisions of  
204 this section may not be paid by personal check. It shall be the  
205 duty of the chancery clerk of each county to deposit all such  
206 state assessments collected in the circuit, county and justice  
207 courts in such county on a monthly basis with the State Treasurer  
208 pursuant to appropriate procedures established by the State  
209 Auditor. The chancery clerk shall make a monthly lump-sum deposit  
210 of the total state assessments collected in the circuit, county  
211 and justice courts in such county under this section, and shall  
212 report to the Department of Finance and Administration the total  
213 number of violations under each subsection for which state  
214 assessments were collected in the circuit, county and justice  
215 courts in such county during such month. It shall be the duty of  
216 the municipal clerk of each municipality to deposit all such state  
217 assessments collected in the municipal court in such municipality  
218 on a monthly basis with the State Treasurer pursuant to  
219 appropriate procedures established by the State Auditor. The  
220 municipal clerk shall make a monthly lump-sum deposit of the total  
221 state assessments collected in the municipal court in such  
222 municipality under this section, and shall report to the  
223 Department of Finance and Administration the total number of  
224 violations under each subsection for which state assessments were  
225 collected in the municipal court in such municipality during such  
226 month.

227           (9) It shall be the duty of the Department of Finance and  
228 Administration to deposit on a monthly basis all such state  
229 assessments into the proper special fund in the State Treasury.  
230 The monthly deposit shall be based upon the number of violations  
231 reported under each subsection and the pro rata amount of such  
232 assessment due to the appropriate special fund. The Department of  
233 Finance and Administration shall issue regulations providing for  
234 the proper allocation of these special funds.

235           (10) The State Auditor shall establish by regulation  
236 procedures for refunds of state assessments, including refunds  
237 associated with assessments imposed before July 1, 1990, and  
238 refunds after appeals in which the defendant's conviction is  
239 reversed. The Auditor shall provide in such regulations for  
240 certification of eligibility for refunds and may require the  
241 defendant seeking a refund to submit a verified copy of a court  
242 order or abstract by which such defendant is entitled to a refund.  
243 All refunds of state assessments shall be made in accordance with  
244 the procedures established by the Auditor.

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246           **SECTION 5.** This act shall take effect and be in force from  
247 and after July 1, 2004.