

House Amendments to Senate Bill No. 2892

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

27 **SECTION 2.** There is created in the State Treasury a special
28 interest-bearing fund to be known as the Crisis Intervention
29 Mental Health Fund. The purpose of the fund shall be to provide
30 funding for the seven (7) mental health crisis centers in the
31 state and the Special Treatment Facility located in Harrison
32 County. Monies from the fund derived from assessments under
33 Section 99-19-73 shall be administered and distributed by the
34 State Treasurer upon warrants issued by the Department of Mental

35 Health. The fund shall be a continuing fund, not subject to
 36 fiscal-year limitations, and shall consist of: (a) monies
 37 appropriated by the Legislature for the purposes of funding mental
 38 health crisis centers and the Special Treatment Facility; (b) the
 39 interest accruing to the fund; (c) monies received under the
 40 provisions of Section 99-19-73; (d) monies received from the
 41 federal government; and (e) monies received from such other
 42 sources as may be provided by law.

43 **SECTION 3.** Section 99-19-73, Mississippi Code of 1972, is
 44 amended as follows:

45 99-19-73. (1) **Traffic Violations.** In addition to any
 46 monetary penalties and any other penalties imposed by law, there
 47 shall be imposed and collected the following state assessment from
 48 each person upon whom a court imposes a fine or other penalty for
 49 any violation in Title 63, Mississippi Code of 1972, except
 50 offenses relating to the Mississippi Implied Consent Law (Section
 51 63-11-1 et seq.) and offenses relating to vehicular parking or
 52 registration:

53 FUND	AMOUNT
54 State Court Education Fund.....	\$ 1.50
55 State Prosecutor Education Fund.....	1.00
56 Driver Training Penalty Assessment Fund.....	7.00
57 Law Enforcement Officers Training Fund.....	5.00
58 Spinal Cord and Head Injury Trust Fund	
59 (for all moving violations).....	4.00
60 Emergency Medical Services Operating Fund.....	10.00
61 Mississippi Leadership Council on Aging Fund.....	1.00
62 Law Enforcement Officers and Fire Fighters Death	
63 Benefits Trust Fund.....	.50
64 State Prosecutor Compensation Fund for the purpose	
65 of providing additional compensation for legal	
66 assistants to district attorneys.....	1.00
67 <u>Crisis Intervention Mental Health Fund</u>	<u>15.00</u>
68 TOTAL STATE ASSESSMENT	\$ <u>46.00</u>

69 (2) **Implied Consent Law Violations.** In addition to any
70 monetary penalties and any other penalties imposed by law, there
71 shall be imposed and collected the following state assessment from
72 each person upon whom a court imposes a fine or any other penalty
73 for any violation of the Mississippi Implied Consent Law (Section
74 63-11-1 et seq.):

75 FUND	AMOUNT
76 Crime Victims' Compensation Fund.....	\$ 10.00
77 State Court Education Fund.....	1.50
78 State Prosecutor Education Fund.....	1.00
79 Driver Training Penalty Assessment Fund.....	22.00
80 Law Enforcement Officers Training Fund.....	11.00
81 Emergency Medical Services Operating Fund.....	10.00
82 Mississippi Alcohol Safety Education Program Fund....	5.00
83 Federal-State Alcohol Program Fund.....	10.00
84 Mississippi Crime Laboratory	
85 Implied Consent Law Fund.....	25.00
86 Spinal Cord and Head Injury Trust Fund.....	25.00
87 Capital Defense Counsel Special Fund.....	1.00
88 State General Fund.....	35.00
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 <u>Crisis Intervention Mental Health Fund.....</u>	<u>15.00</u>
95 <u>Drug Court Fund.....</u>	<u>75.00</u>
96 TOTAL STATE ASSESSMENT.....	<u>\$258.00</u>

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

103 FUND	AMOUNT
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104	State Court Education Fund.....	\$ 1.50
105	State Prosecutor Education Fund.....	1.00
106	Law Enforcement Officers Training Fund.....	5.00
107	Hunter Education and Training Program Fund.....	5.00
108	State General Fund.....	30.00
109	Law Enforcement Officers and Fire Fighters Death	
110	Benefits Trust Fund.....	.50
111	State Prosecutor Compensation Fund for the purpose	
112	of providing additional compensation for legal	
113	assistants to district attorneys.....	1.00
114	<u>Crisis Intervention Mental Health Fund</u>	<u>15.00</u>
115	TOTAL STATE ASSESSMENT.....	\$ <u>59.00</u>

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

121	FUND	AMOUNT
122	Statewide Litter Prevention Fund.....	\$ 25.00
123	State Prosecutor Compensation Fund for the purpose	
124	of providing additional compensation for legal	
125	assistants to district attorneys.....	1.00
126	<u>Crisis Intervention Mental Health Fund</u>	<u>15.00</u>
127	TOTAL STATE ASSESSMENT.....	\$ <u>41.00</u>

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

135	FUND	AMOUNT
136	Crime Victims' Compensation Fund.....	\$ 10.00
137	State Court Education Fund.....	1.50
138	State Prosecutor Education Fund.....	1.00

139	Law Enforcement Officers Training Fund.....	5.00
140	Capital Defense Counsel Special Fund.....	1.00
141	State General Fund.....	30.00
142	State Crime Stoppers Fund.....	1.50
143	Law Enforcement Officers and Fire Fighters Death	
144	Benefits Trust Fund.....	.50
145	State Prosecutor Compensation Fund for the purpose	
146	of providing additional compensation for legal	
147	assistants to district attorneys.....	1.00
148	<u>Crisis Intervention Mental Health Fund.....</u>	<u>15.00</u>
149	TOTAL STATE ASSESSMENT.....	\$ <u>66.50</u>

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

157	FUND	AMOUNT
158	Crime Victims' Compensation Fund.....	\$ 10.00
159	State Court Education Fund.....	1.50
160	State Prosecutor Education Fund.....	1.00
161	Law Enforcement Officers Training Fund.....	5.00
162	Capital Defense Counsel Special Fund.....	1.00
163	State General Fund.....	60.00
164	Criminal Justice Fund.....	50.00
165	Law Enforcement Officers and Fire Fighters Death	
166	Benefits Trust Fund.....	.50
167	State Prosecutor Compensation Fund for the purpose	
168	of providing additional compensation for legal	
169	assistants to district attorneys.....	1.00
170	<u>Crisis Intervention Mental Health Fund.....</u>	<u>15.00</u>
171	<u>Drug Court Fund.....</u>	<u>75.00</u>
172	TOTAL STATE ASSESSMENT.....	\$ <u>220.00</u>

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174 (7) If a fine or other penalty imposed is suspended, in
175 whole or in part, such suspension shall not affect the state
176 assessment under this section. No state assessment imposed under
177 the provisions of this section may be suspended or reduced by the
178 court.

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

206 (9) It shall be the duty of the Department of Finance and
207 Administration to deposit on a monthly basis all such state
208 assessments into the proper special fund in the State Treasury.

209 The monthly deposit shall be based upon the number of violations
210 reported under each subsection and the pro rata amount of such
211 assessment due to the appropriate special fund. The Department of
212 Finance and Administration shall issue regulations providing for
213 the proper allocation of these special funds.

214 (10) The State Auditor shall establish by regulation
215 procedures for refunds of state assessments, including refunds
216 associated with assessments imposed before July 1, 1990, and
217 refunds after appeals in which the defendant's conviction is
218 reversed. The Auditor shall provide in such regulations for
219 certification of eligibility for refunds and may require the
220 defendant seeking a refund to submit a verified copy of a court
221 order or abstract by which such defendant is entitled to a refund.
222 All refunds of state assessments shall be made in accordance with
223 the procedures established by the Auditor.

224 * * *

225 **SECTION 4.** This act shall take effect and be in force from
226 and after July 1, 2004.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO CREATE THE DRUG COURT FUND FOR THE PURPOSES 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 AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972, TO PROVIDE
6 ASSESSMENTS ON CERTAIN CRIMINAL OFFENSES TO BE DEPOSITED INTO THE
7 DRUG COURT FUND; AND FOR RELATED PURPOSES.

HR03\SB2892PH.J

Don Richardson
Clerk of the House of Representatives