

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2892**

**BY: Committee**

**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
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	TOTAL STATE ASSESSMENT.....	<u>\$145.00</u>

172 \* \* \*

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

178 (8) After a determination by the court of the amount due, it  
179 shall be the duty of the clerk of the court to promptly collect  
180 all state assessments imposed under the provisions of this  
181 section. The state assessments imposed under the provisions of  
182 this section may not be paid by personal check. It shall be the  
183 duty of the chancery clerk of each county to deposit all such  
184 state assessments collected in the circuit, county and justice  
185 courts in such county on a monthly basis with the State Treasurer  
186 pursuant to appropriate procedures established by the State

187 Auditor. The chancery clerk shall make a monthly lump-sum deposit  
188 of the total state assessments collected in the circuit, county  
189 and justice courts in such county under this section, and shall  
190 report to the Department of Finance and Administration the total  
191 number of violations under each subsection for which state  
192 assessments were collected in the circuit, county and justice  
193 courts in such county during such month. It shall be the duty of  
194 the municipal clerk of each municipality to deposit all such state  
195 assessments collected in the municipal court in such municipality  
196 on a monthly basis with the State Treasurer pursuant to  
197 appropriate procedures established by the State Auditor. The  
198 municipal clerk shall make a monthly lump-sum deposit of the total  
199 state assessments collected in the municipal court in such  
200 municipality under this section, and shall report to the  
201 Department of Finance and Administration the total number of  
202 violations under each subsection for which state assessments were  
203 collected in the municipal court in such municipality during such  
204 month.

205 (9) It shall be the duty of the Department of Finance and  
206 Administration to deposit on a monthly basis all such state  
207 assessments into the proper special fund in the State Treasury.  
208 The monthly deposit shall be based upon the number of violations  
209 reported under each subsection and the pro rata amount of such  
210 assessment due to the appropriate special fund. The Department of  
211 Finance and Administration shall issue regulations providing for  
212 the proper allocation of these special funds.

213 (10) The State Auditor shall establish by regulation  
214 procedures for refunds of state assessments, including refunds  
215 associated with assessments imposed before July 1, 1990, and  
216 refunds after appeals in which the defendant's conviction is  
217 reversed. The Auditor shall provide in such regulations for  
218 certification of eligibility for refunds and may require the

219 defendant seeking a refund to submit a verified copy of a court  
220 order or abstract by which such defendant is entitled to a refund.  
221 All refunds of state assessments shall be made in accordance with  
222 the procedures established by the Auditor.

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224 **SECTION 4.** This act shall take effect and be in force from  
225 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.