

By: Senator(s) Nunnelee

To: Judiciary, Division B

SENATE BILL NO. 2471
(As Passed the Senate)

1 AN ACT TO CODIFY SECTION 43-47-39, MISSISSIPPI CODE OF 1972,
2 TO ESTABLISH A VULNERABLE ADULT EDUCATION, TRAINING, INVESTIGATION
3 AND PROSECUTION TRUST FUND TO ASSIST IN LAW ENFORCEMENT TRAINING
4 RELATING TO THE VULNERABLE ADULTS ACT AND TO PROVIDE FUNDING FOR
5 THE VULNERABLE ADULTS UNIT OF THE ATTORNEY GENERAL'S OFFICE; TO
6 AMEND SECTION 41-59-75, MISSISSIPPI CODE OF 1972, TO REVISE THE
7 DISPOSITION OF TRAUMA CARE FUNDS; TO AMEND SECTION 99-19-73,
8 MISSISSIPPI CODE OF 1972, TO INCREASE THE STANDARD STATE
9 ASSESSMENT FOR TRAFFIC AND IMPLIED CONSENT LAW VIOLATIONS WHICH
10 ARE DEDICATED FOR THE EMERGENCY MEDICAL SERVICES OPERATING FUND
11 AND THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND AND TO DEDICATE FUNDS
12 TO THE VULNERABLE ADULTS EDUCATION, TRAINING, INVESTMENT AND
13 PROSECUTION TRUST FUND; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** The following provision shall be codified as
16 Section 43-47-39, Mississippi Code of 1972:

17 43-47-39. (1) There is created in the State Treasury a
18 special fund to be known as the Vulnerable Adults Education,
19 Training, Investigation and Prosecution Trust Fund. The purpose
20 of the fund shall be to provide funding for the Vulnerable Adults
21 Unit in the Office of the Attorney General to assist in the
22 education and training of law enforcement officers, judges, state
23 agencies, health professionals and the general public with regard
24 to issues arising under the Vulnerable Adults Act, and to provide
25 funding for the Vulnerable Adults Unit in the Office of the
26 Attorney General to assist in the investigation and prosecution of
27 statewide offenders who abuse, neglect or exploit vulnerable
28 adults. The fund shall be a continuing fund, not subject to
29 fiscal-year limitations.

30 (2) Funding shall be provided by assessments collected from
31 violations set out in Section 99-19-73.

32 **SECTION 2.** Section 41-59-75, Mississippi Code of 1972, is
33 amended as follows:

34 41-59-75. The Mississippi Trauma Care Systems Fund is
35 established. Ten Dollars (\$10.00) collected from each assessment
36 of Fifteen Dollars (\$15.00) as provided in Section 41-59-61, and
37 any other funds made available for funding the trauma care system,
38 shall be deposited into the fund. Funds appropriated from the
39 Mississippi Trauma Care Systems Fund to the State Board of Health
40 shall be made available for department administration and
41 implementation of the comprehensive state trauma care plan for
42 distribution by the department to designated trauma care regions
43 for regional administration, for the department's trauma specific
44 public information and education plan, and to provide hospital and
45 physician indigent trauma care block grant funding to trauma
46 centers designated by the department. All designated trauma care
47 hospitals are eligible to contract with the department for these
48 funds.

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

51 99-19-73. (1) **Traffic 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 other penalty for
55 any violation in Title 63, Mississippi Code of 1972, except
56 offenses relating to the Mississippi Implied Consent Law (Section
57 63-11-1 et seq.) and offenses relating to vehicular parking or
58 registration:

59	FUND	AMOUNT
60	State Court Education Fund.....	\$ 1.50
61	State Prosecutor Education Fund.....	1.00
62	<u>Vulnerable Adult Education, Training, Investigation</u>	
63	<u>and Prosecution Fund</u>	<u>.50</u>
64	Driver Training Penalty Assessment Fund.....	7.00

65	Law Enforcement Officers Training Fund.....	5.00
66	Spinal Cord and Head Injury Trust Fund	
67	(for all moving violations).....	<u>6.00</u>
68	Emergency Medical Services Operating Fund.....	<u>15.00</u>
69	Mississippi Leadership Council on Aging Fund.....	1.00
70	Law Enforcement Officers and Fire Fighters Death	
71	Benefits Trust Fund.....	.50
72	State Prosecutor Compensation Fund for the purpose	
73	of providing additional compensation for legal	
74	assistants to district attorneys.....	1.00
75	Crisis Intervention Mental Health Fund.....	10.00
76	Drug Court Fund.....	10.00
77	TOTAL STATE ASSESSMENT.....	\$ <u>56.50</u>

78 (2) **Implied Consent 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 any other penalty
82 for any violation of the Mississippi Implied Consent Law (Section
83 63-11-1 et seq.):

84	FUND	AMOUNT
85	Crime Victims' Compensation Fund.....	\$ 10.00
86	State Court Education Fund.....	1.50
87	State Prosecutor Education Fund.....	1.00
88	<u>Vulnerable Adult Education, Training, Investigation</u>	
89	<u>and Prosecution Fund</u>	<u>.50</u>
90	Driver Training Penalty Assessment Fund.....	22.00
91	Law Enforcement Officers Training Fund.....	11.00
92	Emergency Medical Services Operating Fund.....	<u>15.00</u>
93	Mississippi Alcohol Safety Education Program Fund....	5.00
94	Federal-State Alcohol Program Fund.....	10.00
95	Mississippi Crime Laboratory	
96	Implied Consent Law Fund.....	25.00
97	Spinal Cord and Head Injury Trust Fund.....	25.00

98	Capital Defense Counsel Special Fund.....	1.00
99	State General Fund.....	35.00
100	Law Enforcement Officers and Fire Fighters Death	
101	Benefits Trust Fund.....	.50
102	State Prosecutor Compensation Fund for the purpose	
103	of providing additional compensation for legal	
104	assistants to district attorneys.....	1.00
105	Crisis Intervention Mental Health Fund.....	10.00
106	Drug Court Fund.....	10.00
107	TOTAL STATE ASSESSMENT.....	<u>\$183.50</u>

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

114	FUND	AMOUNT
115	State Court Education Fund.....	\$ 1.50
116	State Prosecutor Education Fund.....	1.00
117	<u>Vulnerable Adult Education, Training, Investigation</u>	
118	<u>and Prosecution Fund</u>	<u>.50</u>
119	Law Enforcement Officers Training Fund.....	5.00
120	Hunter Education and Training Program Fund.....	5.00
121	State General Fund.....	30.00
122	Law Enforcement Officers and Fire Fighters Death	
123	Benefits Trust Fund.....	.50
124	State Prosecutor Compensation Fund for the purpose	
125	of providing additional compensation for legal	
126	assistants to district attorneys.....	1.00
127	Crisis Intervention Mental Health Fund.....	10.00
128	Drug Court Fund.....	10.00
129	TOTAL STATE ASSESSMENT.....	\$ <u>64.50</u>

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

135 FUND	AMOUNT
136 Statewide Litter Prevention Fund.....	\$ 25.00
137 State Prosecutor Compensation Fund for the purpose 138 of providing additional compensation for legal 139 assistants to district attorneys.....	1.00
140 Crisis Intervention Mental Health Fund.....	10.00
141 Drug Court Fund.....	10.00
142 TOTAL STATE ASSESSMENT.....	\$ 46.00

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

150 FUND	AMOUNT
151 Crime Victims' Compensation Fund.....	\$ 10.00
152 State Court Education Fund.....	1.50
153 State Prosecutor Education Fund.....	1.00
154 <u>Vulnerable Adult Education, Training, Investigation</u> 155 <u>and Prosecution Fund</u>	<u>.50</u>
156 Law Enforcement Officers Training Fund.....	5.00
157 Capital Defense Counsel Special Fund.....	1.00
158 State General Fund.....	30.00
159 State Crime Stoppers Fund.....	1.50
160 Law Enforcement Officers and Fire Fighters Death 161 Benefits Trust Fund.....	.50
162 State Prosecutor Compensation Fund for the purpose	

163	of providing additional compensation for legal	
164	assistants to district attorneys.....	1.00
165	Crisis Intervention Mental Health Fund.....	10.00
166	Drug Court Fund.....	8.00
167	Judicial Performance Fund.....	2.00
168	TOTAL STATE ASSESSMENT.....	<u>\$72.00</u>

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

175	FUND	AMOUNT
176	Crime Victims' Compensation Fund.....	\$ 10.00
177	State Court Education Fund.....	1.50
178	State Prosecutor Education Fund.....	1.00
179	<u>Vulnerable Adult Education, Training, Investigation</u>	
180	<u>and Prosecution Fund</u>	<u>.50</u>
181	Law Enforcement Officers Training Fund.....	5.00
182	Capital Defense Counsel Special Fund.....	1.00
183	State General Fund.....	60.00
184	Criminal Justice Fund.....	50.00
185	Law Enforcement Officers and Fire Fighters Death	
186	Benefits Trust Fund.....	.50
187	State Prosecutor Compensation Fund for the purpose	
188	of providing additional compensation for legal	
189	assistants to district attorneys.....	1.00
190	Crisis Intervention Mental Health Fund.....	10.00
191	Drug Court Fund.....	10.00
192	TOTAL STATE ASSESSMENT.....	<u>\$150.50</u>

193 (7) If a fine or other penalty imposed is suspended, in
194 whole or in part, such suspension shall not affect the state
195 assessment under this section. No state assessment imposed under

196 the provisions of this section may be suspended or reduced by the
197 court.

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

225 (9) It shall be the duty of the Department of Finance and
226 Administration to deposit on a monthly basis all such state
227 assessments into the proper special fund in the State Treasury.
228 The monthly deposit shall be based upon the number of violations

229 reported under each subsection and the pro rata amount of such
230 assessment due to the appropriate special fund. The Department of
231 Finance and Administration shall issue regulations providing for
232 the proper allocation of these special funds.

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

243 **SECTION 4.** This act shall take effect and be in force from
244 and after July 1, 2005.