

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2559

1 AN ACT TO CREATE THE LAW ENFORCEMENT OFFICERS DISABILITY
2 BENEFITS TRUST FUND; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE
3 OF 1972, TO PROVIDE REVENUES FOR THE FUND BY STATEWIDE MONETARY
4 ASSESSMENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** (1) Whenever used in this section, the term:

7 (a) "Covered individual" means a law enforcement
8 officer while engaged in protecting the lives and property of the
9 citizens of this state when employed by an employer as defined in
10 this section; it does not include employees of independent
11 contractors.

12 (b) "Employer" means a state board, commission,
13 department, division, bureau, or agency, or a county, municipality
14 or other political subdivision of the state, which employs,
15 appoints or otherwise engages the services of covered individuals.

16 (c) "Law enforcement officer" means any lawfully sworn
17 officer or employee of the state or any political subdivision of
18 the state whose duties require the officer or employee to
19 investigate, pursue, apprehend, arrest, transport or maintain
20 custody of persons who are charged with, suspected of committing,
21 or convicted of a crime, whether the officer is on regular duty on
22 full-time status, an auxiliary or reserve officer, or is serving
23 on a temporary or part-time status.

24 (2) (a) The Department of Public Safety shall make a
25 monthly disability benefit payment equal to thirty-four percent
26 (34%) of the covered individual's regular base salary at the time
27 of injury. The benefit shall be payable for the period of time
28 the covered individual is physically unable to perform the duties

29 of the covered individual's employment, not to exceed twelve (12)
30 total payments for any one (1) injury. Benefits made available
31 under this section shall be in addition to any workers'
32 compensation benefits and shall be limited to the difference
33 between the amount of workers' compensation benefits and the
34 amount of the covered individual's regular base salary.
35 Compensation under this section shall not be awarded where a penal
36 violation committed by the covered individual contributed to the
37 disability or the injury was intentionally self-inflicted.

38 (b) Payments made under this subsection are exempt from
39 the claims and demands of creditors of the covered individual.

40 (3) (a) There is established in the State Treasury a
41 special fund to be known as the Law Enforcement Officers
42 Disability Benefits Trust Fund. The trust fund shall be funded by
43 any funds made available by the Legislature or by donation,
44 contribution, gift or any other source.

45 (b) The State Treasurer shall invest the monies of the
46 trust fund in any of the investments authorized for the funds of
47 the Public Employees' Retirement System under Section 25-11-121,
48 and those investments shall be subject to the limitations
49 prescribed by Section 25-11-121.

50 (c) Unexpended amounts remaining in the trust fund at
51 the end of the state fiscal year shall not lapse into the State
52 General Fund, and any income earned on amounts in the trust fund
53 shall be deposited to the credit of the trust fund.

54 (4) The Department of Public Safety shall be responsible for
55 the management of the trust fund and the disbursement of
56 disability benefits authorized under this section. The Department
57 of Public Safety shall adopt rules and regulations necessary to
58 implement and standardize the payment of disability benefits under
59 this section, to administer the trust fund created by this section
60 and to carry out the purposes of this section.

61 **SECTION 2.** Section 99-19-73, Mississippi Code of 1972, is
62 amended as follows:

63 99-19-73. (1) **Traffic Violations.** In addition to any
64 monetary penalties and any other penalties imposed by law, there
65 shall be imposed and collected the following state assessment from
66 each person upon whom a court imposes a fine or other penalty for
67 any violation in Title 63, Mississippi Code of 1972, except
68 offenses relating to the Mississippi Implied Consent Law (Section
69 63-11-1 et seq.) and offenses relating to vehicular parking or
70 registration:

71	FUND	AMOUNT
72	State Court Education Fund.....	\$ 1.50
73	State Prosecutor Education Fund.....	1.00
74	Driver Training Penalty Assessment Fund.....	7.00
75	Law Enforcement Officers Training Fund.....	5.00
76	Spinal Cord and Head Injury Trust Fund	
77	(for all moving violations).....	4.00
78	Emergency Medical Services Operating Fund.....	10.00
79	Mississippi Leadership Council on Aging Fund.....	1.00
80	Law Enforcement Officers and Fire Fighters Death	
81	Benefits Trust Fund.....	.50
82	<u>Law Enforcement Officers Disability Benefits Trust</u>	
83	<u>Fund</u>	<u>1.00</u>
84	State Prosecutor Compensation Fund for the purpose	
85	of providing additional compensation for legal	
86	assistants to district attorneys.....	1.00
87	Crisis Intervention Mental Health Fund.....	10.00
88	Drug Court Fund.....	10.00
89	TOTAL STATE ASSESSMENT.....	\$ <u>52.00</u>

90 (2) **Implied Consent Law Violations.** In addition to any
91 monetary penalties and any other penalties imposed by law, there
92 shall be imposed and collected the following state assessment from
93 each person upon whom a court imposes a fine or any other penalty

94 for any violation of the Mississippi Implied Consent Law (Section
 95 63-11-1 et seq.):

96 FUND	AMOUNT
97 Crime Victims' Compensation Fund.....	\$ 10.00
98 State Court Education Fund.....	1.50
99 State Prosecutor Education Fund.....	1.00
100 Driver Training Penalty Assessment Fund.....	22.00
101 Law Enforcement Officers Training Fund.....	11.00
102 Emergency Medical Services Operating Fund.....	10.00
103 Mississippi Alcohol Safety Education Program Fund....	5.00
104 Federal-State Alcohol Program Fund.....	10.00
105 Mississippi Crime Laboratory	
106 Implied Consent Law Fund.....	25.00
107 Spinal Cord and Head Injury Trust Fund.....	25.00
108 Capital Defense Counsel Special Fund.....	1.00
109 State General Fund.....	35.00
110 Law Enforcement Officers and Fire Fighters Death	
111 Benefits Trust Fund.....	.50
112 <u>Law Enforcement Officers Disability Benefits Trust</u>	
113 <u>Fund</u>	<u>1.00</u>
114 State Prosecutor Compensation Fund for the purpose	
115 of providing additional compensation for legal	
116 assistants to district attorneys.....	1.00
117 Crisis Intervention Mental Health Fund.....	10.00
118 Drug Court Fund.....	10.00
119 TOTAL STATE ASSESSMENT.....	<u>\$179.00</u>

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

126 FUND	AMOUNT
----------	--------

127	State Court Education Fund.....	\$ 1.50
128	State Prosecutor Education Fund.....	1.00
129	Law Enforcement Officers Training Fund.....	5.00
130	Hunter Education and Training Program Fund.....	5.00
131	State General Fund.....	30.00
132	Law Enforcement Officers and Fire Fighters Death	
133	Benefits Trust Fund.....	.50
134	<u>Law Enforcement Officers Disability Benefits Trust</u>	
135	<u>Fund</u>	<u>1.00</u>
136	State Prosecutor Compensation Fund for the purpose	
137	of providing additional compensation for legal	
138	assistants to district attorneys.....	1.00
139	Crisis Intervention Mental Health Fund.....	10.00
140	Drug Court Fund.....	10.00
141	TOTAL STATE ASSESSMENT.....	\$ <u>65.00</u>

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

147	FUND	AMOUNT
148	Statewide Litter Prevention Fund.....	\$ 25.00
149	State Prosecutor Compensation Fund for the purpose	
150	of providing additional compensation for legal	
151	assistants to district attorneys.....	1.00
152	Crisis Intervention Mental Health Fund.....	10.00
153	Drug Court Fund.....	10.00
154	<u>Law Enforcement Officers Disability Benefits Trust</u>	
155	<u>Fund</u>	<u>1.00</u>
156	TOTAL STATE ASSESSMENT.....	\$ <u>47.00</u>

157 (5) **Other Misdemeanors.** In addition to any monetary
158 penalties and any other penalties imposed by law, there shall be
159 imposed and collected the following state assessment from each

160 person upon whom a court imposes a fine or other penalty for any
 161 misdemeanor violation not specified in subsection (1), (2) or (3)
 162 of this section, except offenses relating to vehicular parking or
 163 registration:

164 FUND	AMOUNT
165 Crime Victims' Compensation Fund.....	\$ 10.00
166 State Court Education Fund.....	1.50
167 State Prosecutor Education Fund.....	1.00
168 Law Enforcement Officers Training Fund.....	5.00
169 Capital Defense Counsel Special Fund.....	1.00
170 State General Fund.....	30.00
171 State Crime Stoppers Fund.....	1.50
172 Law Enforcement Officers and Fire Fighters Death	
173 Benefits Trust Fund.....	.50
174 <u>Law Enforcement Officers Disability Benefits Trust</u>	
175 <u>Fund</u>	<u>1.00</u>
176 State Prosecutor Compensation Fund for the purpose	
177 of providing additional compensation for legal	
178 assistants to district attorneys.....	1.00
179 Crisis Intervention Mental Health Fund.....	10.00
180 Drug Court Fund.....	8.00
181 Judicial Performance Fund.....	2.00
182 TOTAL STATE ASSESSMENT.....	\$ <u>72.50</u>

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

189 FUND	AMOUNT
190 Crime Victims' Compensation Fund.....	\$ 10.00
191 State Court Education Fund.....	1.50
192 State Prosecutor Education Fund.....	1.00

193	Law Enforcement Officers Training Fund.....	5.00
194	Capital Defense Counsel Special Fund.....	1.00
195	State General Fund.....	60.00
196	Criminal Justice Fund.....	50.00
197	Law Enforcement Officers and Fire Fighters Death	
198	Benefits Trust Fund.....	.50
199	<u>Law Enforcement Officers Disability Benefits Trust</u>	
200	<u> Fund.....</u>	<u>1.00</u>
201	State Prosecutor Compensation Fund for the purpose	
202	of providing additional compensation for legal	
203	assistants to district attorneys.....	1.00
204	Crisis Intervention Mental Health Fund.....	10.00
205	Drug Court Fund.....	10.00
206	TOTAL STATE ASSESSMENT.....	<u>\$151.00</u>

207 (7) If a fine or other penalty imposed is suspended, in
208 whole or in part, such suspension shall not affect the state
209 assessment under this section. No state assessment imposed under
210 the provisions of this section may be suspended or reduced by the
211 court.

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

226 assessments were collected in the circuit, county and justice
227 courts in such county during such month. It shall be the duty of
228 the municipal clerk of each municipality to deposit all such state
229 assessments collected in the municipal court in such municipality
230 on a monthly basis with the State Treasurer pursuant to
231 appropriate procedures established by the State Auditor. The
232 municipal clerk shall make a monthly lump-sum deposit of the total
233 state assessments collected in the municipal court in such
234 municipality under this section, and shall report to the
235 Department of Finance and Administration the total number of
236 violations under each subsection for which state assessments were
237 collected in the municipal court in such municipality during such
238 month.

239 (9) It shall be the duty of the Department of Finance and
240 Administration to deposit on a monthly basis all such state
241 assessments into the proper special fund in the State Treasury.
242 The monthly deposit shall be based upon the number of violations
243 reported under each subsection and the pro rata amount of such
244 assessment due to the appropriate special fund. The Department of
245 Finance and Administration shall issue regulations providing for
246 the proper allocation of these special funds.

247 (10) The State Auditor shall establish by regulation
248 procedures for refunds of state assessments, including refunds
249 associated with assessments imposed before July 1, 1990, and
250 refunds after appeals in which the defendant's conviction is
251 reversed. The Auditor shall provide in such regulations for
252 certification of eligibility for refunds and may require the
253 defendant seeking a refund to submit a verified copy of a court
254 order or abstract by which such defendant is entitled to a refund.
255 All refunds of state assessments shall be made in accordance with
256 the procedures established by the Auditor.

257 **SECTION 3.** Section 2 of this act shall take effect and be in
258 force from and after July 1, 2005, and Section 1 of this act shall
259 take effect and be in force from and after July 1, 2006.