

By: Representative Flaggs

To: Judiciary B;
Appropriations

HOUSE BILL NO. 3

1 AN ACT TO CODIFY SECTION 43-47-39, MISSISSIPPI CODE OF 1972,
2 TO ESTABLISH A VULNERABLE ADULT TRAINING, INVESTIGATION AND
3 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 CREATE A SPECIAL TRUST FUND
8 TO BE DESIGNATED AS THE CHILD SUPPORT PROSECUTION TRUST FUND TO
9 PROSECUTE DELINQUENT CHILD SUPPORT CASES; TO AMEND SECTION
10 99-19-73, MISSISSIPPI CODE OF 1972, TO INCREASE THE STANDARD STATE
11 MONETARY ASSESSMENTS FOR THE PURPOSES OF THIS ACT, TO INCREASE
12 FUNDING FOR ASSISTANT DISTRICT ATTORNEYS, TO ADD AN ASSESSMENT TO
13 FUND THE LAW ENFORCEMENT OFFICERS DISABILITY BENEFITS TRUST FUND
14 CREATED BY SENATE BILL NO. 2559, 2005 REGULAR SESSION, AND TO
15 REVISE THE ASSESSMENTS DEDICATED TO THE SPINAL CORD AND HEAD
16 INJURY TRUST FUND AND THE EMERGENCY MEDICAL SERVICES OPERATING
17 FUND; TO AMEND SECTION 9-23-51, MISSISSIPPI CODE OF 1972, TO
18 REVISE THE DISTRIBUTION OF FUNDS FROM THE DRUG COURT FUND; AND FOR
19 RELATED PURPOSES.

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

21 **SECTION 1.** The following provision shall be codified as

22 Section 43-47-39, Mississippi Code of 1972:

23 43-47-39. (1) There is created in the State Treasury a
24 special fund to be known as the Vulnerable Adults Training,
25 Investigation and Prosecution Trust Fund. The purpose of the fund
26 shall be to provide funding for the Vulnerable Adults Unit in the
27 Office of the Attorney General to assist in the training of law
28 enforcement officers, judges, district attorneys, state agencies
29 and investigators at the Department of Human Services with regard
30 to issues arising under the Vulnerable Adults Act, and to provide
31 funding for the Vulnerable Adults Unit in the Office of the
32 Attorney General to assist in the investigation and prosecution of
33 statewide offenders who abuse, neglect or exploit vulnerable
34 adults. The fund shall be a continuing fund, not subject to
35 fiscal-year limitations.

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

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

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

55 **SECTION 3.** There is created in the State Treasury a special
56 trust fund to be designated as the "Child Support Prosecution
57 Trust Fund." The fund shall be used by the Office of the Attorney
58 General for the prosecution of delinquent child support cases and
59 may also be used to draw down the sixty-six percent (66%) federal
60 reimbursement IV-D funds for support of the Legal Division of the
61 Child Support Unit of the Mississippi Department of Human
62 Services.

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

65 99-19-73. (1) **Traffic violations.** In addition to any
66 monetary penalties and any other penalties imposed by law, there
67 shall be imposed and collected the following state assessment from
68 each person upon whom a court imposes a fine or other penalty for

69 any violation in Title 63, Mississippi Code of 1972, except
 70 offenses relating to the Mississippi Implied Consent Law (Section
 71 63-11-1 et seq.) and offenses relating to vehicular parking or
 72 registration:

73 FUND	AMOUNT
74 State Court Education Fund.....	\$ 1.50
75 State Prosecutor Education Fund.....	1.00
76 <u>Vulnerable Adults Training,</u>	
77 <u>Investigation and Prosecution Trust Fund.....</u>	<u>.50</u>
78 <u>Child Support Prosecution Trust Fund.....</u>	<u>.50</u>
79 Driver Training Penalty Assessment Fund.....	7.00
80 Law Enforcement Officers Training Fund.....	5.00
81 Spinal Cord and Head Injury Trust Fund	
82 (for all moving violations).....	<u>6.00</u>
83 Emergency Medical Services Operating Fund.....	<u>15.00</u>
84 Mississippi Leadership Council on Aging Fund.....	1.00
85 Law Enforcement Officers and Fire Fighters Death	
86 Benefits Trust Fund.....	.50
87 <u>Law Enforcement Officers Disability Benefits Trust</u>	
88 <u>Fund.....</u>	<u>1.00</u>
89 State Prosecutor Compensation Fund for the purpose	
90 of providing additional compensation for legal	
91 assistants to district attorneys.....	<u>1.50</u>
92 Crisis Intervention Mental Health Fund.....	10.00
93 Drug Court Fund.....	10.00
94 Capital Defense Counsel Fund.....	1.89
95 Indigent Appeals Fund.....	2.29
96 Capital Post-Conviction Counsel Fund.....	2.33
97 Victims of Domestic Violence Fund.....	.49
98 TOTAL STATE ASSESSMENT.....	\$ <u>68.50</u>

99 (2) **Implied Consent Law violations.** In addition to any
 100 monetary penalties and any other penalties imposed by law, there
 101 shall be imposed and collected the following state assessment from

102 each person upon whom a court imposes a fine or any other penalty
 103 for any violation of the Mississippi Implied Consent Law (Section
 104 63-11-1 et seq.):

105 FUND	AMOUNT
106 Crime Victims' Compensation Fund.....	\$ 10.00
107 State Court Education Fund.....	1.50
108 State Prosecutor Education Fund.....	1.00
109 <u>Vulnerable Adults Training,</u>	
110 <u>Investigation and Prosecution Trust Fund.....</u>	<u>.50</u>
111 <u>Child Support Prosecution Trust Fund.....</u>	<u>.50</u>
112 Driver Training Penalty Assessment Fund.....	22.00
113 Law Enforcement Officers Training Fund.....	11.00
114 Emergency Medical Services Operating Fund.....	<u>15.00</u>
115 Mississippi Alcohol Safety Education Program Fund....	5.00
116 Federal-State Alcohol Program Fund.....	10.00
117 Mississippi Crime Laboratory	
118 Implied Consent Law Fund.....	25.00
119 Spinal Cord and Head Injury Trust Fund.....	25.00
120 Capital Defense Counsel Fund.....	1.89
121 Indigent Appeals Fund.....	2.29
122 Capital Post-Conviction Counsel Fund.....	2.33
123 Victims of Domestic Violence Fund.....	.49
124 State General Fund.....	35.00
125 Law Enforcement Officers and Fire Fighters Death	
126 Benefits Trust Fund.....	.50
127 <u>Law Enforcement Officers Disability Benefits Trust</u>	
128 <u>Fund.....</u>	<u>1.00</u>
129 State Prosecutor Compensation Fund for the purpose	
130 of providing additional compensation for legal	
131 assistants to district attorneys.....	<u>1.50</u>
132 Crisis Intervention Mental Health Fund.....	10.00
133 Drug Court Fund.....	10.00
134 TOTAL STATE ASSESSMENT.....	<u>\$192.50</u>

135 (3) **Game and Fish Law violations.** In addition to any
 136 monetary penalties and any other penalties imposed by law, there
 137 shall be imposed and collected the following state assessment from
 138 each person upon whom a court imposes a fine or other penalty for
 139 any violation of the game and fish statutes or regulations of this
 140 state:

141 FUND	AMOUNT
142 State Court Education Fund.....	\$ 1.50
143 State Prosecutor Education Fund.....	1.00
144 Law Enforcement Officers Training Fund.....	5.00
145 Hunter Education and Training Program Fund.....	5.00
146 State General Fund.....	30.00
147 Law Enforcement Officers and Fire Fighters Death	
148 Benefits Trust Fund.....	.50
149 <u>Law Enforcement Officers Disability Benefits Trust</u>	
150 <u>Fund</u>	<u>1.00</u>
151 State Prosecutor Compensation Fund for the purpose	
152 of providing additional compensation for legal	
153 assistants to district attorneys.....	1.00
154 Crisis Intervention Mental Health Fund.....	10.00
155 Drug Court Fund.....	10.00
156 Capital Defense Counsel Fund.....	1.89
157 Indigent Appeals Fund.....	2.29
158 Capital Post-Conviction Counsel Fund.....	2.33
159 Victims of Domestic Violence Fund.....	.49
160 TOTAL STATE ASSESSMENT.....	\$ <u>72.00</u>

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

166 FUND	AMOUNT
167 Statewide Litter Prevention Fund.....	\$ 25.00

168 * * *
169 TOTAL STATE ASSESSMENT..... \$ 25.00

170 (5) **Other misdemeanors.** In addition to any monetary
171 penalties and any other penalties imposed by law, there shall be
172 imposed and collected the following state assessment from each
173 person upon whom a court imposes a fine or other penalty for any
174 misdemeanor violation not specified in subsection (1), (2) or (3)
175 of this section, except offenses relating to vehicular parking or
176 registration:

177	FUND	AMOUNT
178	Crime Victims' Compensation Fund.....	\$ 10.00
179	State Court Education Fund.....	1.50
180	State Prosecutor Education Fund.....	1.00
181	<u>Vulnerable Adults Training,</u>	
182	<u>Investigation and Prosecution Trust Fund.....</u>	<u>.50</u>
183	<u>Child Support Prosecution Trust Fund.....</u>	<u>.50</u>
184	Law Enforcement Officers Training Fund.....	5.00
185	Capital Defense Counsel Fund.....	1.89
186	Indigent Appeals Fund.....	2.29
187	Capital Post-Conviction Counsel Fund.....	2.33
188	Victims of Domestic Violence Fund.....	.49
189	State General Fund.....	30.00
190	State Crime Stoppers Fund.....	1.50
191	Law Enforcement Officers and Fire Fighters Death	
192	Benefits Trust Fund.....	.50
193	<u>Law Enforcement Officers Disability Benefits Trust</u>	
194	<u>Fund.....</u>	<u>1.00</u>
195	State Prosecutor Compensation Fund for the purpose	
196	of providing additional compensation for legal	
197	assistants to district attorneys.....	<u>1.50</u>
198	Crisis Intervention Mental Health Fund.....	10.00
199	Drug Court Fund.....	8.00
200	Judicial Performance Fund.....	2.00

201 TOTAL STATE ASSESSMENT..... \$ 81.00

202 (6) **Other felonies.** In addition to any monetary penalties
203 and any other penalties imposed by law, there shall be imposed and
204 collected the following state assessment from each person upon
205 whom a court imposes a fine or other penalty for any felony
206 violation not specified in subsection (1), (2) or (3) of this
207 section:

208	FUND	AMOUNT
209	Crime Victims' Compensation Fund.....	\$ 10.00
210	State Court Education Fund.....	1.50
211	State Prosecutor Education Fund.....	1.00
212	<u>Vulnerable Adults Training,</u>	
213	<u>Investigation and Prosecution Trust Fund.....</u>	<u>.50</u>
214	<u>Child Support Prosecution Trust Fund.....</u>	<u>.50</u>
215	Law Enforcement Officers Training Fund.....	5.00
216	Capital Defense Counsel Fund.....	1.89
217	Indigent Appeals Fund.....	2.29
218	Capital Post-Conviction Counsel Fund.....	2.33
219	Victims of Domestic Violence Fund.....	.49
220	State General Fund.....	60.00
221	Criminal Justice Fund.....	50.00
222	Law Enforcement Officers and Fire Fighters Death	
223	Benefits Trust Fund.....	.50
224	<u>Law Enforcement Officers Disability Benefits Trust</u>	
225	<u>Fund.....</u>	<u>1.00</u>
226	State Prosecutor Compensation Fund for the purpose	
227	of providing additional compensation for legal	
228	assistants to district attorneys.....	<u>1.50</u>
229	Crisis Intervention Mental Health Fund.....	10.00
230	Drug Court Fund.....	10.00
231	TOTAL STATE ASSESSMENT.....	\$ <u>159.50</u>

232 (7) If a fine or other penalty imposed is suspended, in
233 whole or in part, such suspension shall not affect the state

234 assessment under this section. No state assessment imposed under
235 the provisions of this section may be suspended or reduced by the
236 court.

237 (8) After a determination by the court of the amount due, it
238 shall be the duty of the clerk of the court to promptly collect
239 all state assessments imposed under the provisions of this
240 section. The state assessments imposed under the provisions of
241 this section may not be paid by personal check. It shall be the
242 duty of the chancery clerk of each county to deposit all such
243 state assessments collected in the circuit, county and justice
244 courts in such county on a monthly basis with the State Treasurer
245 pursuant to appropriate procedures established by the State
246 Auditor. The chancery clerk shall make a monthly lump-sum deposit
247 of the total state assessments collected in the circuit, county
248 and justice courts in such county under this section, and shall
249 report to the Department of Finance and Administration the total
250 number of violations under each subsection for which state
251 assessments were collected in the circuit, county and justice
252 courts in such county during such month. It shall be the duty of
253 the municipal clerk of each municipality to deposit all such state
254 assessments collected in the municipal court in such municipality
255 on a monthly basis with the State Treasurer pursuant to
256 appropriate procedures established by the State Auditor. The
257 municipal clerk shall make a monthly lump-sum deposit of the total
258 state assessments collected in the municipal court in such
259 municipality under this section, and shall report to the
260 Department of Finance and Administration the total number of
261 violations under each subsection for which state assessments were
262 collected in the municipal court in such municipality during such
263 month.

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

267 The monthly deposit shall be based upon the number of violations
268 reported under each subsection and the pro rata amount of such
269 assessment due to the appropriate special fund. The Department of
270 Finance and Administration shall issue regulations providing for
271 the proper allocation of these special funds.

272 (10) The State Auditor shall establish by regulation
273 procedures for refunds of state assessments, including refunds
274 associated with assessments imposed before July 1, 1990, and
275 refunds after appeals in which the defendant's conviction is
276 reversed. The Auditor shall provide in such regulations for
277 certification of eligibility for refunds and may require the
278 defendant seeking a refund to submit a verified copy of a court
279 order or abstract by which such defendant is entitled to a refund.
280 All refunds of state assessments shall be made in accordance with
281 the procedures established by the Auditor.

282 **SECTION 5.** Section 9-23-51, Mississippi Code of 1972, is
283 amended as follows:

284 9-23-51. There is created in the State Treasury a special
285 interest-bearing fund to be known as the Drug Court Fund. The
286 purpose of the fund shall be to provide supplemental funding to
287 all drug courts in the state. Monies from the funds derived from
288 assessments under Section 99-19-73 shall be distributed by the
289 State Treasurer upon warrants issued by the Administrative Office
290 of Courts, pursuant to procedures set by the State Drug Courts
291 Advisory Committee to assist both juvenile drug courts and adult
292 drug courts * * *. Funds from other sources shall be distributed
293 to the drug courts in the state based on a formula set by the
294 State Drug Courts Advisory Committee. The fund shall be a
295 continuing fund, not subject to fiscal-year limitations, and shall
296 consist of: (a) monies appropriated by the Legislature for the
297 purposes of funding drug courts; (b) the interest accruing to the
298 fund; (c) monies received under the provisions of Section

299 99-19-73; (d) monies received from the federal government; and (e)
300 monies received from such other sources as may be provided by law.

301 **SECTION 6.** This act shall take effect and be in force from
302 and after July 1, 2005.