

By: Senator(s) Burton

To: Judiciary, Division B

SENATE BILL NO. 2006

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.