

By: Representative Warren

To: Transportation

HOUSE BILL NO. 651

1 AN ACT TO AMEND SECTION 63-9-31, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE DATE OF REPEAL ON THE SECTION OF LAW THAT PROVIDES FOR
3 AN ADDITIONAL SURCHARGE FOR TRAFFIC VIOLATIONS TO FUND AUTOMATION
4 OF CITATIONS ISSUED BY THE HIGHWAY SAFETY PATROL AND WIRELESS
5 RADIO COMMUNICATIONS PROGRAMS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 63-9-31, Mississippi Code of 1972, is
8 amended as follows:

9 63-9-31. (1) In addition to any other monetary penalties
10 and other penalties imposed by law, any county or municipality
11 which participates in a wireless radio communications program
12 approved by the applicable governing authorities may assess an
13 additional surcharge in an amount not to exceed Ten Dollars
14 (\$10.00) on each person upon whom a court imposes a fine or other
15 penalty for each violation of Title 63, Mississippi Code of 1972,
16 except offenses relating to vehicular parking or registration. On
17 all citations issued by Mississippi Highway Safety Patrol
18 officers, a surcharge in the amount of Ten Dollars (\$10.00) shall
19 be collected by the court and deposited as provided in subsection
20 (2) of this section. The proceeds from the surcharge on citations
21 issued by county and municipal law enforcement officers may be
22 used by a county or municipality only to fund that county's or
23 municipality's participation in the wireless radio communications
24 program by funding public safety wireless communications systems
25 and related computer and communications equipment. The proceeds
26 from the surcharge on citations issued by Mississippi Highway
27 Safety Patrol officers shall be used as provided in subsection (2)
28 of this section. All proceeds from the surcharge imposed by this

29 subsection shall be deposited into a special fund in the
30 Department of Public Safety's Office of Public Safety Planning.
31 The Office of Public Safety Planning shall promulgate rules and
32 procedures relating to the administration of the special fund and
33 the disbursement of monies in the fund to participating
34 governmental entities. The maximum amount that a governmental
35 entity may receive from the special fund shall be an amount equal
36 to the deposits made into the fund by that entity, less one
37 percent (1%) to be retained by the Office of Public Safety
38 Planning to defray the costs of administering the special fund.
39 Interest earned on the special fund shall remain in the fund and
40 shall be used by the Office of Public Safety Planning to further
41 defray the costs of administering the special fund.

42 (2) Deposits into the special fund resulting from citations
43 issued by the Mississippi Highway Safety Patrol shall be utilized
44 as follows: Fifty percent (50%) of the deposits into the special
45 fund shall be used to automate the citations issued by Mississippi
46 Highway Safety Patrol officers (including the transmittal of
47 citations to the justice court, retrieval of the disposition from
48 the justice court, and updating the driver's records) and fifty
49 percent (50%) of the deposits into the special fund shall be used
50 for the purpose of funding wireless communications and related
51 computer equipment and computer software, subject to the approval
52 of the Mississippi Department of Information Technology Services.

53 (3) Approval of a wireless radio communications program must
54 be given by the applicable governing authorities when:

55 (a) The program includes the sharing of support
56 facilities including, but not limited to, towers, shelters and
57 microwave, by participating entities; or

58 (b) The program includes the establishment of a mutual
59 aid system using common radio frequency channels between
60 participating entities; or

61 (c) The program sets forth a feasible methodology that
62 utilizes the radio frequency spectrum in an efficient manner.

63 (4) Participating counties, municipalities and the
64 Mississippi Highway Safety Patrol must provide notification of
65 facilities available for interoperability to the Mississippi
66 Department of Information Technology Services annually.

67 (5) Counties and municipalities participating in a wireless
68 radio communications program and the Mississippi Highway Safety
69 Patrol must comply with competitive bidding requirements
70 prescribed in Section 31-7-13 and are encouraged to utilize an
71 open architecture, nonproprietary system.

72 (6) This section shall stand repealed on July 1, 2008.

73 **SECTION 2.** This act shall take effect and be in force from
74 and after July 1, 2006.