

By: Senator(s) Burton

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2207

1 AN ACT TO AMEND SECTION 45-2-21, MISSISSIPPI CODE OF 1972, TO
2 TRANSFER SUPERVISION AND RESPONSIBILITY OF THE LAW ENFORCEMENT
3 OFFICERS AND FIRE FIGHTERS DISABILITY BENEFITS TRUST FUND FROM THE
4 DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF FINANCE AND
5 ADMINISTRATION; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF
6 1972, TO CORRECT THE NAME OF THE DISABILITY BENEFITS TRUST FUND
7 CREATED TO BENEFIT LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS; AND
8 FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 45-2-21, Mississippi Code of 1972, is
11 amended as follows:

12 45-2-21. (1) Whenever used in this section, the term:

13 (a) "Covered individual" means a law enforcement
14 officer or fire fighter as defined in this section while actively
15 engaged in protecting the lives and property of the citizens of
16 this state when employed by an employer as defined in this
17 section; it does not include employees of independent contractors.

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

22 (c) "Fire fighter" means an individual who is trained
23 for the prevention and control of loss of life and property from
24 fire or other emergencies, who is assigned to fire-fighting
25 activity, and is required to respond to alarms and perform
26 emergency actions at the location of a fire, hazardous materials
27 or other emergency incident.

28 (d) "Law enforcement officer" means any lawfully sworn
29 officer or employee of the state or any political subdivision of
30 the state whose duties require the officer or employee to

31 investigate, pursue, apprehend, arrest, transport or maintain
32 custody of persons who are charged with, suspected of committing,
33 or convicted of a crime.

34 (2) (a) The Department of Finance and Administration shall
35 make a monthly disability benefit payment equal to thirty-four
36 percent (34%) of the covered individual's regular base salary at
37 the time of injury when a covered individual, while engaged in the
38 performance of the individual's official duties, is accidentally
39 or intentionally injured in the line of duty as a direct result of
40 a single incident. The benefit shall be payable for the period of
41 time the covered individual is physically unable to perform the
42 duties of the covered individual's employment, not to exceed
43 twelve (12) total payments for any one (1) injury. Chronic or
44 repetitive injury is not covered. Benefits made available under
45 this section shall be in addition to any workers' compensation
46 benefits and shall be limited to the difference between the amount
47 of workers' compensation benefits and the amount of the covered
48 individual's regular base salary. Compensation under this section
49 shall not be awarded where a penal violation committed by the
50 covered individual contributed to the disability or the injury was
51 intentionally self-inflicted.

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

54 (3) (a) There is established in the State Treasury a
55 special fund to be known as the Law Enforcement Officers and Fire
56 Fighters Disability Benefits Trust Fund. The trust fund shall be
57 funded by any funds made available by the Legislature or by
58 donation, contribution, gift or any other source.

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

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

68 (4) The Department of Finance and Administration shall be
69 responsible for the management of the trust fund and the
70 disbursement of disability benefits authorized under this section.
71 The Department of Finance and Administration shall adopt rules and
72 regulations necessary to implement and standardize the payment of
73 disability benefits under this section, to administer the trust
74 fund created by this section and to carry out the purposes of this
75 section.

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

78 99-19-73. (1) **Traffic 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 other penalty for
82 any violation in Title 63, Mississippi Code of 1972, except
83 offenses relating to the Mississippi Implied Consent Law (Section
84 63-11-1 et seq.) and offenses relating to vehicular parking or
85 registration:

86 FUND	AMOUNT
87 State Court Education Fund.....	\$ 1.50
88 State Prosecutor Education Fund.....	1.00
89 Vulnerable Adults Training, 90 Investigation and Prosecution Trust Fund.....	.50
91 Child Support Prosecution Trust Fund.....	.50
92 Driver Training Penalty Assessment Fund.....	7.00
93 Law Enforcement Officers Training Fund.....	5.00
94 Spinal Cord and Head Injury Trust Fund 95 (for all moving violations).....	6.00
96 Emergency Medical Services Operating Fund.....	15.00

97	Mississippi Leadership Council on Aging Fund.....	1.00
98	Law Enforcement Officers and Fire Fighters Death	
99	Benefits Trust Fund.....	.50
100	Law Enforcement Officers <u>and Fire Fighters</u>	
101	Disability Benefits Trust Fund.....	1.00
102	State Prosecutor Compensation Fund for the purpose	
103	of providing additional compensation for legal	
104	assistants to district attorneys.....	1.50
105	Crisis Intervention Mental Health Fund.....	10.00
106	Drug Court Fund.....	10.00
107	Capital Defense Counsel Fund.....	1.89
108	Indigent Appeals Fund.....	2.29
109	Capital Post-Conviction Counsel Fund.....	2.33
110	Victims of Domestic Violence Fund.....	.49
111	TOTAL STATE ASSESSMENT.....	\$ 67.50

112 (2) **Implied Consent Law violations.** In addition to any
113 monetary penalties and any other penalties imposed by law, there
114 shall be imposed and collected the following state assessment from
115 each person upon whom a court imposes a fine or any other penalty
116 for any violation of the Mississippi Implied Consent Law (Section
117 63-11-1 et seq.):

118	FUND	AMOUNT
119	Crime Victims' Compensation Fund.....	\$ 10.00
120	State Court Education Fund.....	1.50
121	State Prosecutor Education Fund.....	1.00
122	Vulnerable Adults Training,	
123	Investigation and Prosecution Trust Fund.....	.50
124	Child Support Prosecution Trust Fund.....	.50
125	Driver Training Penalty Assessment Fund.....	22.00
126	Law Enforcement Officers Training Fund.....	11.00
127	Emergency Medical Services Operating Fund.....	15.00
128	Mississippi Alcohol Safety Education Program Fund....	5.00
129	Federal-State Alcohol Program Fund.....	10.00

130	Mississippi Crime Laboratory	
131	Implied Consent Law Fund.....	25.00
132	Spinal Cord and Head Injury Trust Fund.....	25.00
133	Capital Defense Counsel Fund.....	1.89
134	Indigent Appeals Fund.....	2.29
135	Capital Post-Conviction Counsel Fund.....	2.33
136	Victims of Domestic Violence Fund.....	.49
137	State General Fund.....	35.00
138	Law Enforcement Officers and Fire Fighters Death	
139	Benefits Trust Fund.....	.50
140	Law Enforcement Officers and <u>Fire Fighters</u> Disability	
141	Benefits Trust Fund.....	1.00
142	State Prosecutor Compensation Fund for the purpose	
143	of providing additional compensation for legal	
144	assistants to district attorneys.....	1.50
145	Crisis Intervention Mental Health Fund.....	10.00
146	Drug Court Fund.....	10.00
147	TOTAL STATE ASSESSMENT.....	\$191.50

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

154	FUND	AMOUNT
155	State Court Education Fund.....	\$ 1.50
156	State Prosecutor Education Fund.....	1.00
157	Law Enforcement Officers Training Fund.....	5.00
158	Hunter Education and Training Program Fund.....	5.00
159	State General Fund.....	30.00
160	Law Enforcement Officers and Fire Fighters Death	
161	Benefits Trust Fund.....	.50
162	Law Enforcement Officers <u>and Fire Fighters</u> Disability	

163	Benefits Trust Fund.....	1.00
164	State Prosecutor Compensation Fund for the purpose	
165	of providing additional compensation for legal	
166	assistants to district attorneys.....	1.00
167	Crisis Intervention Mental Health Fund.....	10.00
168	Drug Court Fund.....	10.00
169	Capital Defense Counsel Fund.....	1.89
170	Indigent Appeals Fund.....	2.29
171	Capital Post-Conviction Counsel Fund.....	2.33
172	Victims of Domestic Violence Fund.....	.49
173	TOTAL STATE ASSESSMENT.....	\$ 72.00

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

179	FUND	AMOUNT
180	Statewide Litter Prevention Fund.....	\$ 25.00
181	TOTAL STATE ASSESSMENT.....	\$ 25.00

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

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	Vulnerable Adults Training,	
194	Investigation and Prosecution Trust Fund.....	.50
195	Child Support Prosecution Trust Fund.....	.50

196	Law Enforcement Officers Training Fund.....	5.00
197	Capital Defense Counsel Fund.....	1.89
198	Indigent Appeals Fund.....	2.29
199	Capital Post-Conviction Counsel Fund.....	2.33
200	Victims of Domestic Violence Fund.....	.49
201	State General Fund.....	30.00
202	State Crime Stoppers Fund.....	1.50
203	Law Enforcement Officers and Fire Fighters Death	
204	Benefits Trust Fund.....	.50
205	Law Enforcement Officers <u>and Fire Fighters</u> Disability	
206	Benefits Trust Fund.....	1.00
207	State Prosecutor Compensation Fund for the purpose	
208	of providing additional compensation for legal	
209	assistants to district attorneys.....	1.50
210	Crisis Intervention Mental Health Fund.....	10.00
211	Drug Court Fund.....	8.00
212	Judicial Performance Fund.....	2.00
213	TOTAL STATE ASSESSMENT.....	\$ 80.00

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

220	FUND	AMOUNT
221	Crime Victims' Compensation Fund.....	\$ 10.00
222	State Court Education Fund.....	1.50
223	State Prosecutor Education Fund.....	1.00
224	Vulnerable Adults Training,	
225	Investigation and Prosecution Trust Fund.....	.50
226	Child Support Prosecution Trust Fund.....	.50
227	Law Enforcement Officers Training Fund.....	5.00
228	Capital Defense Counsel Fund.....	1.89

229	Indigent Appeals Fund.....	2.29
230	Capital Post-Conviction Counsel Fund.....	2.33
231	Victims of Domestic Violence Fund.....	.49
232	State General Fund.....	60.00
233	Criminal Justice Fund.....	50.00
234	Law Enforcement Officers and Fire Fighters Death	
235	Benefits Trust Fund.....	.50
236	Law Enforcement Officers <u>and Fire Fighters</u> Disability	
237	Benefits Trust Fund.....	1.00
238	State Prosecutor Compensation Fund for the purpose	
239	of providing additional compensation for legal	
240	assistants to district attorneys.....	1.50
241	Crisis Intervention Mental Health Fund.....	10.00
242	Drug Court Fund.....	10.00
243	TOTAL STATE ASSESSMENT.....	\$158.50

244 (7) If a fine or other penalty imposed is suspended, in
245 whole or in part, such suspension shall not affect the state
246 assessment under this section. No state assessment imposed under
247 the provisions of this section may be suspended or reduced by the
248 court.

249 (8) After a determination by the court of the amount due, it
250 shall be the duty of the clerk of the court to promptly collect
251 all state assessments imposed under the provisions of this
252 section. The state assessments imposed under the provisions of
253 this section may not be paid by personal check. It shall be the
254 duty of the chancery clerk of each county to deposit all such
255 state assessments collected in the circuit, county and justice
256 courts in such county on a monthly basis with the State Treasurer
257 pursuant to appropriate procedures established by the State
258 Auditor. The chancery clerk shall make a monthly lump-sum deposit
259 of the total state assessments collected in the circuit, county
260 and justice courts in such county under this section, and shall
261 report to the Department of Finance and Administration the total

262 number of violations under each subsection for which state
263 assessments were collected in the circuit, county and justice
264 courts in such county during such month. It shall be the duty of
265 the municipal clerk of each municipality to deposit all such state
266 assessments collected in the municipal court in such municipality
267 on a monthly basis with the State Treasurer pursuant to
268 appropriate procedures established by the State Auditor. The
269 municipal clerk shall make a monthly lump-sum deposit of the total
270 state assessments collected in the municipal court in such
271 municipality under this section, and shall report to the
272 Department of Finance and Administration the total number of
273 violations under each subsection for which state assessments were
274 collected in the municipal court in such municipality during such
275 month.

276 (9) It shall be the duty of the Department of Finance and
277 Administration to deposit on a monthly basis all such state
278 assessments into the proper special fund in the State Treasury.
279 The monthly deposit shall be based upon the number of violations
280 reported under each subsection and the pro rata amount of such
281 assessment due to the appropriate special fund. The Department of
282 Finance and Administration shall issue regulations providing for
283 the proper allocation of these special funds.

284 (10) The State Auditor shall establish by regulation
285 procedures for refunds of state assessments, including refunds
286 associated with assessments imposed before July 1, 1990, and
287 refunds after appeals in which the defendant's conviction is
288 reversed. The Auditor shall provide in such regulations for
289 certification of eligibility for refunds and may require the
290 defendant seeking a refund to submit a verified copy of a court
291 order or abstract by which such defendant is entitled to a refund.
292 All refunds of state assessments shall be made in accordance with
293 the procedures established by the Auditor.

294 **SECTION 3.** This act shall take effect and be in force from
295 and after its passage.