

By: Senator(s) Burton

To: Judiciary, Division B

SENATE BILL NO. 2207

1 AN ACT TO AMEND SECTIONS 99-19-73 AND 45-2-21, MISSISSIPPI
2 CODE OF 1972, TO CORRECT THE NAME OF THE DISABILITY BENEFITS TRUST
3 FUND CREATED TO BENEFIT LAW ENFORCEMENT OFFICERS AND FIRE
4 FIGHTERS; AND FOR RELATED PURPOSES.

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

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

8 45-2-21. (1) Whenever used in this section, the term:

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

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

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

24 (d) "Law enforcement officer" means any lawfully sworn
25 officer or employee of the state or any political subdivision of
26 the state whose duties require the officer or employee to
27 investigate, pursue, apprehend, arrest, transport or maintain

28 custody of persons who are charged with, suspected of committing,
29 or convicted of a crime.

30 (2) (a) The Department of Public Safety shall make a
31 monthly disability benefit payment equal to thirty-four percent
32 (34%) of the covered individual's regular base salary at the time
33 of injury when a covered individual, while engaged in the
34 performance of the individual's official duties, is accidentally
35 or intentionally injured in the line of duty as a direct result of
36 a single incident. The benefit shall be payable for the period of
37 time the covered individual is physically unable to perform the
38 duties of the covered individual's employment, not to exceed
39 twelve (12) total payments for any one (1) injury. Chronic or
40 repetitive injury is not covered. Benefits made available under
41 this section shall be in addition to any workers' compensation
42 benefits and shall be limited to the difference between the amount
43 of workers' compensation benefits and the amount of the covered
44 individual's regular base salary. Compensation under this section
45 shall not be awarded where a penal violation committed by the
46 covered individual contributed to the disability or the injury was
47 intentionally self-inflicted.

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

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

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

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

64 (4) The Department of Public Safety shall be responsible for
 65 the management of the trust fund and the disbursement of
 66 disability benefits authorized under this section. The Department
 67 of Public Safety shall adopt rules and regulations necessary to
 68 implement and standardize the payment of disability benefits under
 69 this section, to administer the trust fund created by this section
 70 and to carry out the purposes of this section.

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

73 99-19-73. (1) **Traffic violations.** In addition to any
 74 monetary penalties and any other penalties imposed by law, there
 75 shall be imposed and collected the following state assessment from
 76 each person upon whom a court imposes a fine or other penalty for
 77 any violation in Title 63, Mississippi Code of 1972, except
 78 offenses relating to the Mississippi Implied Consent Law (Section
 79 63-11-1 et seq.) and offenses relating to vehicular parking or
 80 registration:

81 FUND	AMOUNT
82 State Court Education Fund.....	\$ 1.50
83 State Prosecutor Education Fund.....	1.00
84 Vulnerable Adults Training, 85 Investigation and Prosecution Trust Fund.....	.50
86 Child Support Prosecution Trust Fund.....	.50
87 Driver Training Penalty Assessment Fund.....	7.00
88 Law Enforcement Officers Training Fund.....	5.00
89 Spinal Cord and Head Injury Trust Fund 90 (for all moving violations).....	6.00
91 Emergency Medical Services Operating Fund.....	15.00
92 Mississippi Leadership Council on Aging Fund.....	1.00

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

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

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

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

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

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

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

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

174	FUND	AMOUNT
175	Statewide Litter Prevention Fund.....	\$ 25.00
176	TOTAL STATE ASSESSMENT.....	\$ 25.00

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

184	FUND	AMOUNT
185	Crime Victims' Compensation Fund.....	\$ 10.00
186	State Court Education Fund.....	1.50
187	State Prosecutor Education Fund.....	1.00
188	Vulnerable Adults Training,	
189	Investigation and Prosecution Trust Fund.....	.50
190	Child Support Prosecution Trust Fund.....	.50
191	Law Enforcement Officers Training Fund.....	5.00

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

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

215	FUND	AMOUNT
216	Crime Victims' Compensation Fund.....	\$ 10.00
217	State Court Education Fund.....	1.50
218	State Prosecutor Education Fund.....	1.00
219	Vulnerable Adults Training,	
220	Investigation and Prosecution Trust Fund.....	.50
221	Child Support Prosecution Trust Fund.....	.50
222	Law Enforcement Officers Training Fund.....	5.00
223	Capital Defense Counsel Fund.....	1.89
224	Indigent Appeals Fund.....	2.29

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

239 (7) If a fine or other penalty imposed is suspended, in
240 whole or in part, such suspension shall not affect the state
241 assessment under this section. No state assessment imposed under
242 the provisions of this section may be suspended or reduced by the
243 court.

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

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

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

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

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