

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2830

1 AN ACT TO AMEND SECTION 63-9-31, MISSISSIPPI CODE OF 1972, TO  
2 DELETE 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.

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73           **SECTION 2.** This act shall take effect and be in force from  
74 and after its passage.