

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2975

1 AN ACT TO AMEND SECTIONS 63-9-12 AND 99-19-73, MISSISSIPPI  
2 CODE OF 1972, TO PERMIT PAYMENT OF FINES AND ASSESSMENTS BY  
3 PERSONAL CHECK; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 63-9-12, Mississippi Code of 1972, is  
6 amended as follows:

7 63-9-12. Personal checks shall be accepted from Mississippi  
8 residents, and may be accepted from nonresidents, in payment of  
9 any fine imposed as a result of a violation of Chapters 3, 5 and 7  
10 of Title 63, Mississippi Code of 1972. The person accepting a  
11 check in payment of such a fine shall not be liable if such check  
12 is returned not paid provided he makes reasonable efforts to  
13 collect the fine.

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

16 99-19-73. (1) **Traffic violations.** In addition to any  
17 monetary penalties and any other penalties imposed by law, there  
18 shall be imposed and collected the following state assessment from  
19 each person upon whom a court imposes a fine or other penalty for  
20 any violation in Title 63, Mississippi Code of 1972, except  
21 offenses relating to the Mississippi Implied Consent Law (Section  
22 63-11-1 et seq.) and offenses relating to vehicular parking or  
23 registration:

FUND	AMOUNT
State Court Education Fund.....	\$ 1.50
State Prosecutor Education Fund.....	1.00
Vulnerable Adults Training,	

28	Investigation and Prosecution Trust Fund.....	.50
29	Child Support Prosecution Trust Fund.....	.50
30	Driver Training Penalty Assessment Fund.....	7.00
31	Law Enforcement Officers Training Fund.....	5.00
32	Spinal Cord and Head Injury Trust Fund	
33	(for all moving violations).....	6.00
34	Emergency Medical Services Operating Fund.....	15.00
35	Mississippi Leadership Council on Aging Fund.....	1.00
36	Law Enforcement Officers and Fire Fighters Death	
37	Benefits Trust Fund.....	.50
38	Law Enforcement Officers <u>and Fire Fighters</u> Disability	
39	Benefits Trust Fund.....	1.00
40	State Prosecutor Compensation Fund for the purpose	
41	of providing additional compensation for legal	
42	assistants to district attorneys.....	1.50
43	Crisis Intervention Mental Health Fund.....	10.00
44	Drug Court Fund.....	10.00
45	Capital Defense Counsel Fund.....	1.89
46	Indigent Appeals Fund.....	2.29
47	Capital Post-Conviction Counsel Fund.....	2.33
48	Victims of Domestic Violence Fund.....	.49
49	TOTAL STATE ASSESSMENT.....	\$ 67.50

50 (2) **Implied Consent Law violations.** In addition to any  
51 monetary penalties and any other penalties imposed by law, there  
52 shall be imposed and collected the following state assessment from  
53 each person upon whom a court imposes a fine or any other penalty  
54 for any violation of the Mississippi Implied Consent Law (Section  
55 63-11-1 et seq.):

56	FUND	AMOUNT
57	Crime Victims' Compensation Fund.....	\$ 10.00
58	State Court Education Fund.....	1.50
59	State Prosecutor Education Fund.....	1.00
60	Vulnerable Adults Training,	

61	Investigation and Prosecution Trust Fund.....	.50
62	Child Support Prosecution Trust Fund.....	.50
63	Driver Training Penalty Assessment Fund.....	22.00
64	Law Enforcement Officers Training Fund.....	11.00
65	Emergency Medical Services Operating Fund.....	15.00
66	Mississippi Alcohol Safety Education Program Fund....	5.00
67	Federal-State Alcohol Program Fund.....	10.00
68	Mississippi Crime Laboratory	
69	Implied Consent Law Fund.....	25.00
70	Spinal Cord and Head Injury Trust Fund.....	25.00
71	Capital Defense Counsel Fund.....	1.89
72	Indigent Appeals Fund.....	2.29
73	Capital Post-Conviction Counsel Fund.....	2.33
74	Victims of Domestic Violence Fund.....	.49
75	State General Fund.....	35.00
76	Law Enforcement Officers and Fire Fighters Death	
77	Benefits Trust Fund.....	.50
78	Law Enforcement Officers <u>and Fire Fighters</u> Disability	
79	Benefits Trust Fund.....	1.00
80	State Prosecutor Compensation Fund for the purpose	
81	of providing additional compensation for legal	
82	assistants to district attorneys.....	1.50
83	Crisis Intervention Mental Health Fund.....	10.00
84	Drug Court Fund.....	10.00
85	TOTAL STATE ASSESSMENT.....	\$191.50

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

92	FUND	AMOUNT
93	State Court Education Fund.....	\$ 1.50

94	State Prosecutor Education Fund.....	1.00
95	Law Enforcement Officers Training Fund.....	5.00
96	Hunter Education and Training Program Fund.....	5.00
97	State General Fund.....	30.00
98	Law Enforcement Officers and Fire Fighters Death	
99	Benefits Trust Fund.....	.50
100	Law Enforcement Officers <u>and Fire Fighters</u> Disability	
101	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.....	1.00
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.....	\$ 72.00

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

117	FUND	AMOUNT
118	Statewide Litter Prevention Fund.....	\$ 25.00
119	TOTAL STATE ASSESSMENT.....	\$ 25.00

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

127	FUND	AMOUNT
128	Crime Victims' Compensation Fund.....	\$ 10.00
129	State Court Education Fund.....	1.50
130	State Prosecutor Education Fund.....	1.00
131	Vulnerable Adults Training,	
132	Investigation and Prosecution Trust Fund.....	.50
133	Child Support Prosecution Trust Fund.....	.50
134	Law Enforcement Officers Training Fund.....	5.00
135	Capital Defense Counsel Fund.....	1.89
136	Indigent Appeals Fund.....	2.29
137	Capital Post-Conviction Counsel Fund.....	2.33
138	Victims of Domestic Violence Fund.....	.49
139	State General Fund.....	30.00
140	State Crime Stoppers Fund.....	1.50
141	Law Enforcement Officers and Fire Fighters Death	
142	Benefits Trust Fund.....	.50
143	Law Enforcement Officers <u>and Fire Fighters</u> Disability	
144	Benefits Trust Fund.....	1.00
145	State Prosecutor Compensation Fund for the purpose	
146	of providing additional compensation for legal	
147	assistants to district attorneys.....	1.50
148	Crisis Intervention Mental Health Fund.....	10.00
149	Drug Court Fund.....	8.00
150	Judicial Performance Fund.....	2.00
151	TOTAL STATE ASSESSMENT.....	\$ 80.00

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

158	FUND	AMOUNT
159	Crime Victims' Compensation Fund.....	\$ 10.00

160	State Court Education Fund.....	1.50
161	State Prosecutor Education Fund.....	1.00
162	Vulnerable Adults Training,	
163	Investigation and Prosecution Trust Fund.....	.50
164	Child Support Prosecution Trust Fund.....	.50
165	Law Enforcement Officers Training Fund.....	5.00
166	Capital Defense Counsel Fund.....	1.89
167	Indigent Appeals Fund.....	2.29
168	Capital Post-Conviction Counsel Fund.....	2.33
169	Victims of Domestic Violence Fund.....	.49
170	State General Fund.....	60.00
171	Criminal Justice Fund.....	50.00
172	Law Enforcement Officers and Fire Fighters Death	
173	Benefits Trust Fund.....	.50
174	Law Enforcement Officers <u>and Fire Fighters</u> Disability	
175	Benefits Trust Fund.....	1.00
176	State Prosecutor Compensation Fund for the purpose	
177	of providing additional compensation for legal	
178	assistants to district attorneys.....	1.50
179	Crisis Intervention Mental Health Fund.....	10.00
180	Drug Court Fund.....	10.00
181	TOTAL STATE ASSESSMENT.....	\$158.50

182       (7) If a fine or other penalty imposed is suspended, in  
183 whole or in part, such suspension shall not affect the state  
184 assessment under this section. No state assessment imposed under  
185 the provisions of this section may be suspended or reduced by the  
186 court.

187       (8) After a determination by the court of the amount due, it  
188 shall be the duty of the clerk of the court to promptly collect  
189 all state assessments imposed under the provisions of this  
190 section. \* \* \* It shall be the duty of the chancery clerk of each  
191 county to deposit all such state assessments collected in the  
192 circuit, county and justice courts in such county on a monthly

193 basis with the State Treasurer pursuant to appropriate procedures  
194 established by the State Auditor. The chancery clerk shall make a  
195 monthly lump-sum deposit of the total state assessments collected  
196 in the circuit, county and justice courts in such county under  
197 this section, and shall report to the Department of Finance and  
198 Administration the total number of violations under each  
199 subsection for which state assessments were collected in the  
200 circuit, county and justice courts in such county during such  
201 month. It shall be the duty of the municipal clerk of each  
202 municipality to deposit all such state assessments collected in  
203 the municipal court in such municipality on a monthly basis with  
204 the State Treasurer pursuant to appropriate procedures established  
205 by the State Auditor. The municipal clerk shall make a monthly  
206 lump-sum deposit of the total state assessments collected in the  
207 municipal court in such municipality under this section, and shall  
208 report to the Department of Finance and Administration the total  
209 number of violations under each subsection for which state  
210 assessments were collected in the municipal court in such  
211 municipality during such month.

212 (9) It shall be the duty of the Department of Finance and  
213 Administration to deposit on a monthly basis all such state  
214 assessments into the proper special fund in the State Treasury.  
215 The monthly deposit shall be based upon the number of violations  
216 reported under each subsection and the pro rata amount of such  
217 assessment due to the appropriate special fund. The Department of  
218 Finance and Administration shall issue regulations providing for  
219 the proper allocation of these special funds.

220 (10) The State Auditor shall establish by regulation  
221 procedures for refunds of state assessments, including refunds  
222 associated with assessments imposed before July 1, 1990, and  
223 refunds after appeals in which the defendant's conviction is  
224 reversed. The Auditor shall provide in such regulations for  
225 certification of eligibility for refunds and may require the

226 defendant seeking a refund to submit a verified copy of a court  
227 order or abstract by which such defendant is entitled to a refund.  
228 All refunds of state assessments shall be made in accordance with  
229 the procedures established by the Auditor.

230         **SECTION 3.** This act shall take effect and be in force from  
231 and after July 1, 2006.