

House Amendments to Senate Bill No. 2207

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

11 45-2-21. (1) Whenever used in this section, the term:

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

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

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

27 (d) "Law enforcement officer" means any lawfully sworn
28 officer or employee of the state or any political subdivision of
29 the state whose duties require the officer or employee to
30 investigate, pursue, apprehend, arrest, transport or maintain
31 custody of persons who are charged with, suspected of committing,
32 or convicted of a crime.

33 (2) (a) The Attorney General's office shall make a monthly
34 disability benefit payment equal to thirty-four percent (34%) of

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

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

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

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

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

67 (4) The Attorney General's office shall be responsible for
68 the management of the trust fund and the disbursement of
69 disability benefits authorized under this section. The Attorney

70 General shall adopt rules and regulations necessary to implement
 71 and standardize the payment of disability benefits under this
 72 section, to administer the trust fund created by this section and
 73 to carry out the purposes of this section. The Attorney General's
 74 office may expend up to ten percent (10%) of the monies in the
 75 trust fund for the administration and management of the trust fund
 76 and carrying out the purposes of this section.

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

79 99-19-73. (1) **Traffic violations.** In addition to any
 80 monetary penalties and any other penalties imposed by law, there
 81 shall be imposed and collected the following state assessment from
 82 each person upon whom a court imposes a fine or other penalty for
 83 any violation in Title 63, Mississippi Code of 1972, except
 84 offenses relating to the Mississippi Implied Consent Law (Section
 85 63-11-1 et seq.) and offenses relating to vehicular parking or
 86 registration:

87 FUND	AMOUNT
88 State Court Education Fund.....	\$ 1.50
89 State Prosecutor Education Fund.....	1.00
90 Vulnerable Adults Training,	
91 Investigation and Prosecution Trust Fund.....	.50
92 Child Support Prosecution Trust Fund.....	.50
93 Driver Training Penalty Assessment Fund.....	7.00
94 Law Enforcement Officers Training Fund.....	5.00
95 Spinal Cord and Head Injury Trust Fund	
96 (for all moving violations).....	6.00
97 Emergency Medical Services Operating Fund.....	15.00
98 Mississippi Leadership Council on Aging Fund.....	1.00
99 Law Enforcement Officers and Fire Fighters Death	
100 Benefits Trust Fund.....	.50
101 Law Enforcement Officers <u>and Fire Fighters</u>	
102 Disability Benefits Trust Fund.....	1.00
103 State Prosecutor Compensation Fund for the purpose	
104 of providing additional compensation for legal	

105	assistants to district attorneys.....	1.50
106	Crisis Intervention Mental Health Fund.....	10.00
107	Drug Court Fund.....	10.00
108	Capital Defense Counsel Fund.....	1.89
109	Indigent Appeals Fund.....	2.29
110	Capital Post-Conviction Counsel Fund.....	2.33
111	Victims of Domestic Violence Fund.....	.49
112	TOTAL STATE ASSESSMENT.....	\$ 67.50

113 (2) **Implied Consent Law violations.** In addition to any
114 monetary penalties and any other penalties imposed by law, there
115 shall be imposed and collected the following state assessment from
116 each person upon whom a court imposes a fine or any other penalty
117 for any violation of the Mississippi Implied Consent Law (Section
118 63-11-1 et seq.):

119	FUND	AMOUNT
120	Crime Victims' Compensation Fund.....	\$ 10.00
121	State Court Education Fund.....	1.50
122	State Prosecutor Education Fund.....	1.00
123	Vulnerable Adults Training, 124 Investigation and Prosecution Trust Fund.....	.50
125	Child Support Prosecution Trust Fund.....	.50
126	Driver Training Penalty Assessment Fund.....	22.00
127	Law Enforcement Officers Training Fund.....	11.00
128	Emergency Medical Services Operating Fund.....	15.00
129	Mississippi Alcohol Safety Education Program Fund....	5.00
130	Federal-State Alcohol Program Fund.....	10.00
131	Mississippi Crime Laboratory 132 Implied Consent Law Fund.....	25.00
133	Spinal Cord and Head Injury Trust Fund.....	25.00
134	Capital Defense Counsel Fund.....	1.89
135	Indigent Appeals Fund.....	2.29
136	Capital Post-Conviction Counsel Fund.....	2.33
137	Victims of Domestic Violence Fund.....	.49
138	State General Fund.....	35.00
139	Law Enforcement Officers and Fire Fighters Death	

140	Benefits Trust Fund.....	.50
141	Law Enforcement Officers and <u>Fire Fighters</u> Disability	
142	Benefits Trust Fund.....	1.00
143	State Prosecutor Compensation Fund for the purpose	
144	of providing additional compensation for legal	
145	assistants to district attorneys.....	1.50
146	Crisis Intervention Mental Health Fund.....	10.00
147	Drug Court Fund.....	10.00
148	TOTAL STATE ASSESSMENT.....	\$191.50

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

155	FUND	AMOUNT
156	State Court Education Fund.....	\$ 1.50
157	State Prosecutor Education Fund.....	1.00
158	Law Enforcement Officers Training Fund.....	5.00
159	Hunter Education and Training Program Fund.....	5.00
160	State General Fund.....	30.00
161	Law Enforcement Officers and Fire Fighters Death	
162	Benefits Trust Fund.....	.50
163	Law Enforcement Officers <u>and Fire Fighters</u> Disability	
164	Benefits Trust Fund.....	1.00
165	State Prosecutor Compensation Fund for the purpose	
166	of providing additional compensation for legal	
167	assistants to district attorneys.....	1.00
168	Crisis Intervention Mental Health Fund.....	10.00
169	Drug Court Fund.....	10.00
170	Capital Defense Counsel Fund.....	1.89
171	Indigent Appeals Fund.....	2.29
172	Capital Post-Conviction Counsel Fund.....	2.33
173	Victims of Domestic Violence Fund.....	.49
174	TOTAL STATE ASSESSMENT.....	\$ 72.00

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

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

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

190 FUND	AMOUNT
191 Crime Victims' Compensation Fund.....	\$ 10.00
192 State Court Education Fund.....	1.50
193 State Prosecutor Education Fund.....	1.00
194 Vulnerable Adults Training, Investigation and Prosecution Trust Fund.....	.50
196 Child Support Prosecution Trust Fund.....	.50
197 Law Enforcement Officers Training Fund.....	5.00
198 Capital Defense Counsel Fund.....	1.89
199 Indigent Appeals Fund.....	2.29
200 Capital Post-Conviction Counsel Fund.....	2.33
201 Victims of Domestic Violence Fund.....	.49
202 State General Fund.....	30.00
203 State Crime Stoppers Fund.....	1.50
204 Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	.50
206 Law Enforcement Officers <u>and Fire Fighters</u> Disability Benefits Trust Fund.....	1.00
208 State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal	

210	assistants to district attorneys.....	1.50
211	Crisis Intervention Mental Health Fund.....	10.00
212	Drug Court Fund.....	8.00
213	Judicial Performance Fund.....	2.00
214	TOTAL STATE ASSESSMENT.....	\$ 80.00

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

221	FUND	AMOUNT
222	Crime Victims' Compensation Fund.....	\$ 10.00
223	State Court Education Fund.....	1.50
224	State Prosecutor Education Fund.....	1.00
225	Vulnerable Adults Training,	
226	Investigation and Prosecution Trust Fund.....	.50
227	Child Support Prosecution Trust Fund.....	.50
228	Law Enforcement Officers Training Fund.....	5.00
229	Capital Defense Counsel Fund.....	1.89
230	Indigent Appeals Fund.....	2.29
231	Capital Post-Conviction Counsel Fund.....	2.33
232	Victims of Domestic Violence Fund.....	.49
233	State General Fund.....	60.00
234	Criminal Justice Fund.....	50.00
235	Law Enforcement Officers and Fire Fighters Death	
236	Benefits Trust Fund.....	.50
237	Law Enforcement Officers <u>and Fire Fighters</u> Disability	
238	Benefits Trust Fund.....	1.00
239	State Prosecutor Compensation Fund for the purpose	
240	of providing additional compensation for legal	
241	assistants to district attorneys.....	1.50
242	Crisis Intervention Mental Health Fund.....	10.00
243	Drug Court Fund.....	10.00
244	TOTAL STATE ASSESSMENT.....	\$158.50

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

250 (8) After a determination by the court of the amount due, it
251 shall be the duty of the clerk of the court to promptly collect
252 all state assessments imposed under the provisions of this
253 section. The state assessments imposed under the provisions of
254 this section may not be paid by personal check. It shall be the
255 duty of the chancery clerk of each county to deposit all such
256 state assessments collected in the circuit, county and justice
257 courts in such county on a monthly basis with the State Treasurer
258 pursuant to appropriate procedures established by the State
259 Auditor. The chancery clerk shall make a monthly lump-sum deposit
260 of the total state assessments collected in the circuit, county
261 and justice courts in such county under this section, and shall
262 report to the Department of Finance and Administration the total
263 number of violations under each subsection for which state
264 assessments were collected in the circuit, county and justice
265 courts in such county during such month. It shall be the duty of
266 the municipal clerk of each municipality to deposit all such state
267 assessments collected in the municipal court in such municipality
268 on a monthly basis with the State Treasurer pursuant to
269 appropriate procedures established by the State Auditor. The
270 municipal clerk shall make a monthly lump-sum deposit of the total
271 state assessments collected in the municipal court in such
272 municipality under this section, and shall report to the
273 Department of Finance and Administration the total number of
274 violations under each subsection for which state assessments were
275 collected in the municipal court in such municipality during such
276 month.

277 (9) It shall be the duty of the Department of Finance and
278 Administration to deposit on a monthly basis all such state
279 assessments into the proper special fund in the State Treasury.

280 The monthly deposit shall be based upon the number of violations
281 reported under each subsection and the pro rata amount of such
282 assessment due to the appropriate special fund. The Department of
283 Finance and Administration shall issue regulations providing for
284 the proper allocation of these special funds.

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 ATTORNEY GENERAL'S OFFICE; TO
5 AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972, TO CORRECT THE
6 NAME OF THE DISABILITY BENEFITS TRUST FUND CREATED TO BENEFIT LAW
7 ENFORCEMENT OFFICERS AND FIRE FIGHTERS; AND FOR RELATED PURPOSES.

HR07\SB2207A.J

Don Richardson
Clerk of the House of Representatives