

By: Representative Smith (39th)

To: Judiciary B

HOUSE BILL NO. 665

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE STATEWIDE MONETARY ASSESSMENTS TO PROVIDE FUNDING  
3 FOR THE STATEWIDE VICTIMS' INFORMATION AND NOTIFICATION SYSTEM; TO  
4 AMEND SECTION 99-45-9, MISSISSIPPI CODE OF 1972, TO CREATE THE  
5 STATEWIDE VICTIMS' INFORMATION AND NOTIFICATION SYSTEM FUND; AND  
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 99-19-73, Mississippi Code of 1972, is  
9 amended as follows:

10 99-19-73. (1) **Traffic violations.** In addition to any  
11 monetary penalties and any other penalties imposed by law, there  
12 shall be imposed and collected the following state assessment from  
13 each person upon whom a court imposes a fine or other penalty for  
14 any violation in Title 63, Mississippi Code of 1972, except  
15 offenses relating to the Mississippi Implied Consent Law (Section  
16 63-11-1 et seq.) and offenses relating to vehicular parking or  
17 registration:

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

30	Law Enforcement Officers and Fire Fighters Death	
31	Benefits Trust Fund.....	.50
32	Law Enforcement Officers and Fire Fighters	
33	Disability Benefits Trust Fund.....	1.00
34	State Prosecutor Compensation Fund for the purpose	
35	of providing additional compensation for legal	
36	assistants to district attorneys.....	1.50
37	Crisis Intervention Mental Health Fund.....	10.00
38	Drug Court Fund.....	10.00
39	Capital Defense Counsel Fund.....	1.89
40	Indigent Appeals Fund.....	2.29
41	Capital Post-Conviction Counsel Fund.....	2.33
42	Victims of Domestic Violence Fund.....	.49
43	TOTAL STATE ASSESSMENT.....	\$ 67.50

44       (2) **Implied Consent Law violations.** In addition to any  
45 monetary penalties and any other penalties imposed by law, there  
46 shall be imposed and collected the following state assessment from  
47 each person upon whom a court imposes a fine or any other penalty  
48 for any violation of the Mississippi Implied Consent Law (Section  
49 63-11-1 et seq.):

50	FUND	AMOUNT
51	Crime Victims' Compensation Fund.....	\$ 10.00
52	State Court Education Fund.....	1.50
53	State Prosecutor Education Fund.....	1.00
54	Vulnerable Adults Training,	
55	Investigation and Prosecution Trust Fund.....	.50
56	Child Support Prosecution Trust Fund.....	.50
57	Driver Training Penalty Assessment Fund.....	22.00
58	Law Enforcement Officers Training Fund.....	11.00
59	Emergency Medical Services Operating Fund.....	15.00
60	Mississippi Alcohol Safety Education Program Fund....	5.00
61	Federal-State Alcohol Program Fund.....	10.00
62	Mississippi Crime Laboratory	

63	Implied Consent Law Fund.....	25.00
64	Spinal Cord and Head Injury Trust Fund.....	25.00
65	Capital Defense Counsel Fund.....	1.89
66	Indigent Appeals Fund.....	2.29
67	Capital Post-Conviction Counsel Fund.....	2.33
68	Victims of Domestic Violence Fund.....	.49
69	State General Fund.....	35.00
70	Law Enforcement Officers and Fire Fighters Death	
71	Benefits Trust Fund.....	.50
72	Law Enforcement Officers and Fire Fighters Disability	
73	Benefits Trust Fund.....	1.00
74	State Prosecutor Compensation Fund for the purpose	
75	of providing additional compensation for legal	
76	assistants to district attorneys.....	1.50
77	Crisis Intervention Mental Health Fund.....	10.00
78	Drug Court Fund.....	10.00
79	<u>Statewide Victims' Information and Notification System</u>	
80	<u>    Fund.....</u>	<u>6.00</u>
81	TOTAL STATE ASSESSMENT.....	\$ <u>197.50</u>

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

88	FUND	AMOUNT
89	State Court Education Fund.....	\$ 1.50
90	State Prosecutor Education Fund.....	1.00
91	Law Enforcement Officers Training Fund.....	5.00
92	Hunter Education and Training Program Fund.....	5.00
93	State General Fund.....	30.00
94	Law Enforcement Officers and Fire Fighters Death	
95	Benefits Trust Fund.....	.50

96	Law Enforcement Officers and Fire Fighters Disability	
97	Benefits Trust Fund.....	1.00
98	State Prosecutor Compensation Fund for the purpose	
99	of providing additional compensation for legal	
100	assistants to district attorneys.....	1.00
101	Crisis Intervention Mental Health Fund.....	10.00
102	Drug Court Fund.....	10.00
103	Capital Defense Counsel Fund.....	1.89
104	Indigent Appeals Fund.....	2.29
105	Capital Post-Conviction Counsel Fund.....	2.33
106	Victims of Domestic Violence Fund.....	.49
107	TOTAL STATE ASSESSMENT.....	\$ 72.00

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

113	FUND	AMOUNT
114	Statewide Litter Prevention Fund.....	\$ 25.00
115	TOTAL STATE ASSESSMENT.....	\$ 25.00

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

123	FUND	AMOUNT
124	Crime Victims' Compensation Fund.....	\$ 10.00
125	State Court Education Fund.....	1.50
126	State Prosecutor Education Fund.....	1.00
127	Vulnerable Adults Training,	
128	Investigation and Prosecution Trust Fund.....	.50

129	Child Support Prosecution Trust Fund.....	.50
130	Law Enforcement Officers Training Fund.....	5.00
131	Capital Defense Counsel Fund.....	1.89
132	Indigent Appeals Fund.....	2.29
133	Capital Post-Conviction Counsel Fund.....	2.33
134	Victims of Domestic Violence Fund.....	.49
135	State General Fund.....	30.00
136	State Crime Stoppers Fund.....	1.50
137	Law Enforcement Officers and Fire Fighters Death	
138	Benefits Trust Fund.....	.50
139	Law Enforcement Officers and Fire Fighters Disability	
140	Benefits Trust Fund.....	1.00
141	State Prosecutor Compensation Fund for the purpose	
142	of providing additional compensation for legal	
143	assistants to district attorneys.....	1.50
144	Crisis Intervention Mental Health Fund.....	10.00
145	Drug Court Fund.....	8.00
146	Judicial Performance Fund.....	2.00
147	<u>Statewide Victims' Information and Notification System</u>	
148	<u>    Fund.....</u>	<u>6.00</u>
149	TOTAL STATE ASSESSMENT.....	\$ <u>86.00</u>

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

156	FUND	AMOUNT
157	Crime Victims' Compensation Fund.....	\$ 10.00
158	State Court Education Fund.....	1.50
159	State Prosecutor Education Fund.....	1.00
160	Vulnerable Adults Training,	
161	Investigation and Prosecution Trust Fund.....	.50

162	Child Support Prosecution Trust Fund.....	.50
163	Law Enforcement Officers Training Fund.....	5.00
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	State General Fund.....	60.00
169	Criminal Justice Fund.....	50.00
170	Law Enforcement Officers and Fire Fighters Death	
171	Benefits Trust Fund.....	.50
172	Law Enforcement Officers and Fire Fighters Disability	
173	Benefits Trust Fund.....	1.00
174	State Prosecutor Compensation Fund for the purpose	
175	of providing additional compensation for legal	
176	assistants to district attorneys.....	1.50
177	Crisis Intervention Mental Health Fund.....	10.00
178	Drug Court Fund.....	10.00
179	<u>Statewide Victims' Information and Notification System</u>	
180	<u>    Fund.....</u>	<u>6.00</u>
181	TOTAL STATE ASSESSMENT.....	<u>\$164.50</u>

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. The state assessments imposed under the provisions of  
191 this section may not be paid by personal check. It shall be the  
192 duty of the chancery clerk of each county to deposit all such  
193 state assessments collected in the circuit, county and justice  
194 courts in such county on a monthly basis with the State Treasurer

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

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

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

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

232 **SECTION 2.** Section 99-45-9, Mississippi Code of 1972, is  
233 amended as follows:

234 99-45-9. (1) The Department of Corrections shall administer  
235 the automated victim notification system. The cost of  
236 administering the system must be paid with appropriations made to  
237 the department and from federal grants and contracts.

238 (2) There is created in the State Treasury a special fund to  
239 be known as the Statewide Victims' Information and Notification  
240 System Fund. The purpose of the fund shall be to provide funding  
241 for the Statewide Victims' Information and Notification System.  
242 Monies from the funds derived from assessments under Section  
243 99-19-73 shall be distributed by the State Treasurer upon warrants  
244 issued by the Mississippi Department of Corrections. The fund  
245 shall be a continuing fund, not subject to fiscal-year  
246 limitations, and shall consist of:

247 (a) Monies appropriated by the Legislature for the  
248 purposes of funding the Office of Indigent Appeals;

249 (b) The interest accruing to the fund;

250 (c) Monies received under the provisions of Section  
251 99-19-73;

252 (d) Monies received from the federal government;

253 (e) Donations; and

254 (f) Monies received from such other sources as may be  
255 provided by law.

256 **SECTION 3.** This act shall take effect and be in force from  
257 and after July 1, 2007.