

By: Representative Robinson (84th)

To: Appropriations

HOUSE BILL NO. 874

1 AN ACT TO CHARGE AN ADDITIONAL ONE DOLLAR STATE ASSESSMENT
2 FEE TO THOSE PERSONS UPON WHOM THE COURT IMPOSES A FINE OR OTHER
3 ASSESSMENT; TO CREATE THE "LAW ENFORCEMENT OFFICERS DISABILITY
4 BENEFITS TRUST FUND"; TO PROVIDE THAT ALL SUCH FEES COLLECTED
5 SHALL BE DEPOSITED INTO THE FUND AND MAY BE EXPENDED BY THE
6 DEPARTMENT OF PUBLIC SAFETY TO BENEFIT INJURED LAW ENFORCEMENT
7 OFFICERS; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972, TO
8 ADD A ONE DOLLAR FEE FOR THE "LAW ENFORCEMENT OFFICERS DISABILITY
9 BENEFITS TRUST FUND" TO THE LIST OF ADDITIONAL FEES CHARGED FOR
10 CERTAIN FINES AND PENALTIES FOR THE "LAW ENFORCEMENT OFFICERS
11 DISABILITY BENEFITS TRUST FUND"; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) The following words and phrases shall have
14 the meanings ascribed in this section unless the context clearly
15 indicates otherwise:

16 (a) "Covered individual" means a law enforcement
17 officer or fire fighter as defined in this section when employed
18 by an employer as defined in this section; it does not include
19 employees of independent contractors.

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

24 (c) "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, whether the officer is on regular duty on
30 full-time status, an auxiliary or reserve officer, or is serving
31 on a temporary or part-time status.

32 (2) (a) Any law enforcement officer employed by this state
33 or any county or municipality therein, who becomes physically
34 disabled, but not permanently disabled, as a result of the
35 performance of the law enforcement officer's official duties shall
36 be entitled to receive a monthly compensation benefit from the Law
37 Enforcement Officers Disability Benefits Trust Fund. The
38 Department of Public Safety shall make a monthly payment, as
39 provided in this section, in the amount equal to thirty-four
40 percent (34%) of the regular base salary in effect at the time of
41 the law enforcement officer's injury, subject to the following
42 conditions: (i) the benefit shall not be payable until after the
43 thirtieth day of the law enforcement officer's disability; and
44 (ii) the benefit shall be payable for the period of time the law
45 enforcement officer is physically unable to perform the duties of
46 his or her employment, not to exceed twelve (12) months.

47 (b) The payment made in this subsection is in addition
48 to any workers' compensation or pension benefits, but shall be
49 limited to the difference between the amount of the workers'
50 compensation benefits and the amount of the law enforcement
51 officer's regular base salary.

52 (c) Compensation shall not be awarded under this
53 subsection when a penal violation committed by the disabled law
54 enforcement officer caused the disability.

55 (3) (a) In addition to any other fees or costs now or as
56 may hereafter be provided by law, there is hereby charged in all
57 civil cases in the chancery, circuit, county, justice and
58 municipal courts of this state a law enforcement disability cost
59 in the amount of One Dollar (\$1.00), except in justice court cases
60 where the amount sued for is less than Fifteen Dollars (\$15.00).
61 Such cost shall be collected by the clerk or judicial officer from
62 the party bringing the civil action at the time of filing and
63 taxed as costs.

64 (b) It shall be the duty of the clerk of any court to
65 promptly collect the costs imposed pursuant to the provisions of
66 subsection (1) of this section. In all cases, the clerk shall
67 deposit monthly all such costs so collected with the State
68 Treasurer either directly or by other appropriate procedures. All
69 such deposits shall be clearly marked for the Law Enforcement
70 Officers Disability Benefits Trust Fund.

71 Upon receipt of such deposits, the State Treasurer shall
72 credit any amounts so deposited to the Law Enforcement Officers
73 Disability Benefits Trust Fund created pursuant to subsection (3)
74 of this section. The State Treasurer shall invest the monies of
75 the trust fund in any of the investments authorized for the funds
76 of the Public Employees' Retirement System under Section
77 25-11-121, and those investments shall be subject to the
78 limitations prescribed by Section 25-11-121.

79 Unexpended amounts remaining in the trust fund at the end of
80 the state fiscal year shall not lapse into the State General Fund,
81 and any income earned on amounts in the trust fund shall be
82 deposited to the credit of the trust fund.

83 (c) Assessments collected under this section shall be
84 deposited in a special fund created by the State Treasury and
85 designated the "Law Enforcement Officers Disability Benefits Trust
86 Fund." Monies deposited in the fund shall be expended by the
87 Department of Public Safety as authorized.

88 (d) The Department of Public Safety shall be
89 responsible for the management of the trust fund and the
90 disbursement of disability benefits authorized under this section.
91 The Department of Public Safety shall adopt rules and regulations
92 necessary to implement and standardize the payment of disability
93 benefits under this section, to administer the trust fund created
94 by this section and to carry out the purposes of this section.

95 (4) The Department of Public Safety shall not make benefit
 96 payments from the trust fund created under this section until
 97 January 1, 2007.

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

100 99-19-73. (1) **Traffic violations.** In addition to any
 101 monetary penalties and any other penalties imposed by law, there
 102 shall be imposed and collected the following state assessment from
 103 each person upon whom a court imposes a fine or other penalty for
 104 any violation in Title 63, Mississippi Code of 1972, except
 105 offenses relating to the Mississippi Implied Consent Law (Section
 106 63-11-1 et seq.) and offenses relating to vehicular parking or
 107 registration:

108 FUND	AMOUNT
109 State Court Education Fund.....	\$ 1.50
110 State Prosecutor Education Fund.....	1.00
111 Vulnerable Adults Training, Investigation and Prosecution Trust Fund.....	.50
113 Child Support Prosecution Trust Fund.....	.50
114 Driver Training Penalty Assessment Fund.....	7.00
115 Law Enforcement Officers Training Fund.....	5.00
116 Spinal Cord and Head Injury Trust Fund (for all moving violations).....	6.00
118 Emergency Medical Services Operating Fund.....	15.00
119 Mississippi Leadership Council on Aging Fund.....	1.00
120 Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	.50
122 Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	1.00
124 State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys.....	1.50
127 Crisis Intervention Mental Health Fund.....	10.00

128	Drug Court Fund.....	10.00
129	Capital Defense Counsel Fund.....	1.89
130	Indigent Appeals Fund.....	2.29
131	Capital Post-Conviction Counsel Fund.....	2.33
132	Victims of Domestic Violence Fund.....	.49
133	<u>Law Enforcement Officers Disability Benefit</u>	
134	<u>Trust Fund.....</u>	<u>1.00</u>
135	TOTAL STATE ASSESSMENT.....	\$ <u>68.50</u>

136 (2) **Implied Consent Law violations.** In addition to any
137 monetary penalties and any other penalties imposed by law, there
138 shall be imposed and collected the following state assessment from
139 each person upon whom a court imposes a fine or any other penalty
140 for any violation of the Mississippi Implied Consent Law (Section
141 63-11-1 et seq.):

142	FUND	AMOUNT
143	Crime Victims' Compensation Fund.....	\$ 10.00
144	State Court Education Fund.....	1.50
145	State Prosecutor Education Fund.....	1.00
146	Vulnerable Adults Training,	
147	Investigation and Prosecution Trust Fund.....	.50
148	Child Support Prosecution Trust Fund.....	.50
149	Driver Training Penalty Assessment Fund.....	22.00
150	Law Enforcement Officers Training Fund.....	11.00
151	Emergency Medical Services Operating Fund.....	15.00
152	Mississippi Alcohol Safety Education Program Fund....	5.00
153	Federal-State Alcohol Program Fund.....	10.00
154	Mississippi Crime Laboratory	
155	Implied Consent Law Fund.....	25.00
156	Spinal Cord and Head Injury Trust Fund.....	25.00
157	Capital Defense Counsel Fund.....	1.89
158	Indigent Appeals Fund.....	2.29
159	Capital Post-Conviction Counsel Fund.....	2.33
160	Victims of Domestic Violence Fund.....	.49

161	State General Fund.....	35.00
162	Law Enforcement Officers and Fire Fighters Death	
163	Benefits Trust Fund.....	.50
164	Law Enforcement Officers and Fire Fighters Disability	
165	Benefits Trust Fund.....	1.00
166	State Prosecutor Compensation Fund for the purpose	
167	of providing additional compensation for legal	
168	assistants to district attorneys.....	1.50
169	Crisis Intervention Mental Health Fund.....	10.00
170	Drug Court Fund.....	10.00
171	<u>Law Enforcement Officers Disability Benefit</u>	
172	<u>Trust Fund.....</u>	<u>1.00</u>
173	TOTAL STATE ASSESSMENT.....	<u>\$192.50</u>

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

180	FUND	AMOUNT
181	State Court Education Fund.....	\$ 1.50
182	State Prosecutor Education Fund.....	1.00
183	Law Enforcement Officers Training Fund.....	5.00
184	Hunter Education and Training Program Fund.....	5.00
185	State General Fund.....	30.00
186	Law Enforcement Officers and Fire Fighters Death	
187	Benefits Trust Fund.....	.50
188	Law Enforcement Officers and Fire Fighters Disability	
189	Benefits Trust Fund.....	1.00
190	State Prosecutor Compensation Fund for the purpose	
191	of providing additional compensation for legal	
192	assistants to district attorneys.....	1.00
193	Crisis Intervention Mental Health Fund.....	10.00

194	Drug Court Fund.....	10.00
195	Capital Defense Counsel Fund.....	1.89
196	Indigent Appeals Fund.....	2.29
197	Capital Post-Conviction Counsel Fund.....	2.33
198	Victims of Domestic Violence Fund.....	.49
199	<u>Law Enforcement Officers Disability Benefit</u>	
200	<u>Trust Fund.....</u>	<u>1.00</u>
201	TOTAL STATE ASSESSMENT.....	\$ <u>73.00</u>

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

207	FUND	AMOUNT
208	Statewide Litter Prevention Fund.....	\$ 25.00
209	<u>Law Enforcement Officers Disability Benefit</u>	
210	<u>Trust Fund.....</u>	<u>1.00</u>
211	TOTAL STATE ASSESSMENT.....	\$ <u>26.00</u>

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

219	FUND	AMOUNT
220	Crime Victims' Compensation Fund.....	\$ 10.00
221	State Court Education Fund.....	1.50
222	State Prosecutor Education Fund.....	1.00
223	Vulnerable Adults Training, Investigation and Prosecution Trust Fund.....	.50
224	Child Support Prosecution Trust Fund.....	.50
225	Law Enforcement Officers Training Fund.....	5.00
226		

227	Capital Defense Counsel Fund.....	1.89
228	Indigent Appeals Fund.....	2.29
229	Capital Post-Conviction Counsel Fund.....	2.33
230	Victims of Domestic Violence Fund.....	.49
231	State General Fund.....	30.00
232	State Crime Stoppers Fund.....	1.50
233	Law Enforcement Officers and Fire Fighters Death	
234	Benefits Trust Fund.....	.50
235	Law Enforcement Officers and Fire Fighters Disability	
236	Benefits Trust Fund.....	1.00
237	State Prosecutor Compensation Fund for the purpose	
238	of providing additional compensation for legal	
239	assistants to district attorneys.....	1.50
240	Crisis Intervention Mental Health Fund.....	10.00
241	Drug Court Fund.....	8.00
242	Judicial Performance Fund.....	2.00
243	<u>Law Enforcement Officers Disability Benefit</u>	
244	<u>Trust Fund</u>	<u>1.00</u>
245	TOTAL STATE ASSESSMENT.....	\$ <u>81.00</u>

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

252	FUND	AMOUNT
253	Crime Victims' Compensation Fund.....	\$ 10.00
254	State Court Education Fund.....	1.50
255	State Prosecutor Education Fund.....	1.00
256	Vulnerable Adults Training,	
257	Investigation and Prosecution Trust Fund.....	.50
258	Child Support Prosecution Trust Fund.....	.50
259	Law Enforcement Officers Training Fund.....	5.00

260	Capital Defense Counsel Fund.....	1.89
261	Indigent Appeals Fund.....	2.29
262	Capital Post-Conviction Counsel Fund.....	2.33
263	Victims of Domestic Violence Fund.....	.49
264	State General Fund.....	60.00
265	Criminal Justice Fund.....	50.00
266	Law Enforcement Officers and Fire Fighters Death	
267	Benefits Trust Fund.....	.50
268	Law Enforcement Officers and Fire Fighters Disability	
269	Benefits Trust Fund.....	1.00
270	State Prosecutor Compensation Fund for the purpose	
271	of providing additional compensation for legal	
272	assistants to district attorneys.....	1.50
273	Crisis Intervention Mental Health Fund.....	10.00
274	Drug Court Fund.....	10.00
275	<u>Law Enforcement Officers Disability Benefit</u>	
276	<u>Trust Fund.....</u>	<u>1.00</u>
277	TOTAL STATE ASSESSMENT.....	<u>\$159.50</u>

278 (7) If a fine or other penalty imposed is suspended, in
279 whole or in part, such suspension shall not affect the state
280 assessment under this section. No state assessment imposed under
281 the provisions of this section may be suspended or reduced by the
282 court.

283 (8) After a determination by the court of the amount due, it
284 shall be the duty of the clerk of the court to promptly collect
285 all state assessments imposed under the provisions of this
286 section. The state assessments imposed under the provisions of
287 this section may not be paid by personal check. It shall be the
288 duty of the chancery clerk of each county to deposit all such
289 state assessments collected in the circuit, county and justice
290 courts in such county on a monthly basis with the State Treasurer
291 pursuant to appropriate procedures established by the State
292 Auditor. The chancery clerk shall make a monthly lump-sum deposit

293 of the total state assessments collected in the circuit, county
294 and justice courts in such county under this section, and shall
295 report to the Department of Finance and Administration the total
296 number of violations under each subsection for which state
297 assessments were collected in the circuit, county and justice
298 courts in such county during such month. It shall be the duty of
299 the municipal clerk of each municipality to deposit all such state
300 assessments collected in the municipal court in such municipality
301 on a monthly basis with the State Treasurer pursuant to
302 appropriate procedures established by the State Auditor. The
303 municipal clerk shall make a monthly lump-sum deposit of the total
304 state assessments collected in the municipal court in such
305 municipality under this section, and shall report to the
306 Department of Finance and Administration the total number of
307 violations under each subsection for which state assessments were
308 collected in the municipal court in such municipality during such
309 month.

310 (9) It shall be the duty of the Department of Finance and
311 Administration to deposit on a monthly basis all such state
312 assessments into the proper special fund in the State Treasury.
313 The monthly deposit shall be based upon the number of violations
314 reported under each subsection and the pro rata amount of such
315 assessment due to the appropriate special fund. The Department of
316 Finance and Administration shall issue regulations providing for
317 the proper allocation of these special funds.

318 (10) The State Auditor shall establish by regulation
319 procedures for refunds of state assessments, including refunds
320 associated with assessments imposed before July 1, 1990, and
321 refunds after appeals in which the defendant's conviction is
322 reversed. The Auditor shall provide in such regulations for
323 certification of eligibility for refunds and may require the
324 defendant seeking a refund to submit a verified copy of a court
325 order or abstract by which such defendant is entitled to a refund.

326 All refunds of state assessments shall be made in accordance with
327 the procedures established by the Auditor.

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