

By: Senator(s) Albritton

To: Judiciary, Division B;  
Appropriations

SENATE BILL NO. 2298

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, \* \* \* except offenses relating to the  
15 Mississippi Implied Consent Law (Section 63-11-1 et seq.) and  
16 offenses relating to vehicular parking or 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
Law Enforcement Officers and Fire Fighters Death	

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

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

49	FUND	AMOUNT
50	Crime Victims' Compensation Fund.....	\$ 10.00
51	State Court Education Fund.....	1.50
52	State Prosecutor Education Fund.....	1.00
53	Vulnerable Adults Training,	
54	Investigation and Prosecution Trust Fund.....	.50
55	Child Support Prosecution Trust Fund.....	.50
56	Driver Training Penalty Assessment Fund.....	22.00
57	Law Enforcement Officers Training Fund.....	11.00
58	Emergency Medical Services Operating Fund.....	15.00
59	Mississippi Alcohol Safety Education Program Fund....	5.00
60	Federal-State Alcohol Program Fund.....	10.00
61	Mississippi Crime Laboratory	
62	Implied Consent Law Fund.....	25.00

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

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

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

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

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

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

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

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

129	Law Enforcement Officers Training Fund.....	5.00
130	Capital Defense Counsel Fund.....	1.89
131	Indigent Appeals Fund.....	2.29
132	Capital Post-Conviction Counsel Fund.....	2.33
133	Victims of Domestic Violence Fund.....	.49
134	State General Fund.....	30.00
135	State Crime Stoppers Fund.....	1.50
136	Law Enforcement Officers and Fire Fighters Death	
137	Benefits Trust Fund.....	.50
138	Law Enforcement Officers and Fire Fighters Disability	
139	Benefits Trust Fund.....	1.00
140	State Prosecutor Compensation Fund for the purpose	
141	of providing additional compensation for legal	
142	assistants to district attorneys.....	1.50
143	Crisis Intervention Mental Health Fund.....	10.00
144	Drug Court Fund.....	8.00
145	Judicial Performance Fund.....	2.00
146	<u>Statewide Victims' Information and Notification</u>	
147	<u>System Fund.....</u>	<u>6.00</u>
148	TOTAL STATE ASSESSMENT.....	\$ <u>86.00</u>
149	(6) <b>Other felonies.</b> In addition to any monetary penalties	
150	and any other penalties imposed by law, there shall be imposed and	
151	collected the following state assessment from each person upon	
152	whom a court imposes a fine or other penalty for any felony	
153	violation not specified in subsection (1), (2) or (3) of this	
154	section:	
155	FUND	AMOUNT
156	Crime Victims' Compensation Fund.....	\$ 10.00
157	State Court Education Fund.....	1.50
158	State Prosecutor Education Fund.....	1.00
159	Vulnerable Adults Training,	
160	Investigation and Prosecution Trust Fund.....	.50
161	Child Support Prosecution Trust Fund.....	.50

162	Law Enforcement Officers Training Fund.....	5.00
163	Capital Defense Counsel Fund.....	1.89
164	Indigent Appeals Fund.....	2.29
165	Capital Post-Conviction Counsel Fund.....	2.33
166	Victims of Domestic Violence Fund.....	.49
167	State General Fund.....	60.00
168	Criminal Justice Fund.....	50.00
169	Law Enforcement Officers and Fire Fighters Death	
170	Benefits Trust Fund.....	.50
171	Law Enforcement Officers and Fire Fighters Disability	
172	Benefits Trust Fund.....	1.00
173	State Prosecutor Compensation Fund for the purpose	
174	of providing additional compensation for legal	
175	assistants to district attorneys.....	1.50
176	Crisis Intervention Mental Health Fund.....	10.00
177	Drug Court Fund.....	10.00
178	<u>Statewide Victims' Information and Notification</u>	
179	<u>System Fund.....</u>	<u>6.00</u>
180	TOTAL STATE ASSESSMENT.....	<u>\$164.50</u>

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

186       (8) After a determination by the court of the amount due, it  
187 shall be the duty of the clerk of the court to promptly collect  
188 all state assessments imposed under the provisions of this  
189 section. The state assessments imposed under the provisions of  
190 this section may not be paid by personal check. It shall be the  
191 duty of the chancery clerk of each county to deposit all such  
192 state assessments collected in the circuit, county and justice  
193 courts in such county on a monthly basis with the State Treasurer  
194 pursuant to appropriate procedures established by the State

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

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

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

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

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

233 99-45-9. (1) The Department of Corrections shall administer  
234 the automated victim notification system. \* \* \*

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

244 (a) Monies appropriated by the Legislature for the  
245 purposes of funding the Statewide Victims' Information and  
246 Notification System;

247 (b) The interest accruing to the fund;

248 (c) Monies received under the provisions of Section  
249 99-19-73;

250 (d) Monies received from the federal government;

251 (e) Donations; and

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

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