

By: Senator(s) Ross

To: Judiciary, Division B

SENATE BILL NO. 2686

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE STATEWIDE MONETARY ASSESSMENT DEDICATED TO THE  
3 CAPITAL DEFENSE FUND; AND FOR RELATED PURPOSES.

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

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

7 99-19-73. (1) **Traffic violations.** In addition to any  
8 monetary penalties and any other penalties imposed by law, there  
9 shall be imposed and collected the following state assessment from  
10 each person upon whom a court imposes a fine or other penalty for  
11 any violation in Title 63, Mississippi Code of 1972, except  
12 offenses relating to the Mississippi Implied Consent Law (Section  
13 63-11-1 et seq.) and offenses relating to vehicular parking or  
14 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	

28	Benefits Trust Fund.....	.50
29	Law Enforcement Officers and Fire Fighters	
30	Disability Benefits Trust Fund.....	1.00
31	State Prosecutor Compensation Fund for the purpose	
32	of providing additional compensation for legal	
33	assistants to district attorneys.....	1.50
34	Crisis Intervention Mental Health Fund.....	10.00
35	Drug Court Fund.....	10.00
36	Capital Defense Counsel Fund.....	<u>2.89</u>
37	Indigent Appeals Fund.....	2.29
38	Capital Post-Conviction Counsel Fund.....	2.33
39	Victims of Domestic Violence Fund.....	.49
40	TOTAL STATE ASSESSMENT.....	\$ <u>68.50</u>

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

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

61	Spinal Cord and Head Injury Trust Fund.....	25.00
62	Capital Defense Counsel Fund.....	<u>2.89</u>
63	Indigent Appeals Fund.....	2.29
64	Capital Post-Conviction Counsel Fund.....	2.33
65	Victims of Domestic Violence Fund.....	.49
66	State General Fund.....	35.00
67	Law Enforcement Officers and Fire Fighters Death	
68	Benefits Trust Fund.....	.50
69	Law Enforcement Officers and Fire Fighters Disability	
70	Benefits Trust Fund.....	1.00
71	State Prosecutor Compensation Fund for the purpose	
72	of providing additional compensation for legal	
73	assistants to district attorneys.....	1.50
74	Crisis Intervention Mental Health Fund.....	10.00
75	Drug Court Fund.....	10.00
76	TOTAL STATE ASSESSMENT.....	<u>\$192.50</u>

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

83	FUND	AMOUNT
84	State Court Education Fund.....	\$ 1.50
85	State Prosecutor Education Fund.....	1.00
86	Law Enforcement Officers Training Fund.....	5.00
87	Hunter Education and Training Program Fund.....	5.00
88	State General Fund.....	30.00
89	Law Enforcement Officers and Fire Fighters Death	
90	Benefits Trust Fund.....	.50
91	Law Enforcement Officers and Fire Fighters Disability	
92	Benefits Trust Fund.....	1.00
93	State Prosecutor Compensation Fund for the purpose	

94	of providing additional compensation for legal	
95	assistants to district attorneys.....	1.00
96	Crisis Intervention Mental Health Fund.....	10.00
97	Drug Court Fund.....	10.00
98	Capital Defense Counsel Fund.....	<u>2.89</u>
99	Indigent Appeals Fund.....	2.29
100	Capital Post-Conviction Counsel Fund.....	2.33
101	Victims of Domestic Violence Fund.....	.49
102	TOTAL STATE ASSESSMENT.....	\$ <u>73.00</u>

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

108	FUND	AMOUNT
109	Statewide Litter Prevention Fund.....	\$ 25.00
110	TOTAL STATE ASSESSMENT.....	\$ 25.00

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

118	FUND	AMOUNT
119	Crime Victims' Compensation Fund.....	\$ 10.00
120	State Court Education Fund.....	1.50
121	State Prosecutor Education Fund.....	1.00
122	Vulnerable Adults Training, Investigation and Prosecution Trust Fund.....	.50
123	Child Support Prosecution Trust Fund.....	.50
124	Law Enforcement Officers Training Fund.....	5.00
125	Capital Defense Counsel Fund.....	<u>2.89</u>
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127	Indigent Appeals Fund.....	2.29
128	Capital Post-Conviction Counsel Fund.....	2.33
129	Victims of Domestic Violence Fund.....	.49
130	State General Fund.....	30.00
131	State Crime Stoppers Fund.....	1.50
132	Law Enforcement Officers and Fire Fighters Death	
133	Benefits Trust Fund.....	.50
134	Law Enforcement Officers and Fire Fighters Disability	
135	Benefits Trust Fund.....	1.00
136	State Prosecutor Compensation Fund for the purpose	
137	of providing additional compensation for legal	
138	assistants to district attorneys.....	1.50
139	Crisis Intervention Mental Health Fund.....	10.00
140	Drug Court Fund.....	8.00
141	Judicial Performance Fund.....	2.00
142	TOTAL STATE ASSESSMENT.....	\$ <u>81.00</u>

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

149	FUND	AMOUNT
150	Crime Victims' Compensation Fund.....	\$ 10.00
151	State Court Education Fund.....	1.50
152	State Prosecutor Education Fund.....	1.00
153	Vulnerable Adults Training,	
154	Investigation and Prosecution Trust Fund.....	.50
155	Child Support Prosecution Trust Fund.....	.50
156	Law Enforcement Officers Training Fund.....	5.00
157	Capital Defense Counsel Fund.....	<u>2.89</u>
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.....	60.00
162	Criminal Justice Fund.....	50.00
163	Law Enforcement Officers and Fire Fighters Death	
164	Benefits Trust Fund.....	.50
165	Law Enforcement Officers and Fire Fighters Disability	
166	Benefits Trust Fund.....	1.00
167	State Prosecutor Compensation Fund for the purpose	
168	of providing additional compensation for legal	
169	assistants to district attorneys.....	1.50
170	Crisis Intervention Mental Health Fund.....	10.00
171	Drug Court Fund.....	10.00
172	TOTAL STATE ASSESSMENT.....	<u>\$159.50</u>

173       (7) If a fine or other penalty imposed is suspended, in  
174 whole or in part, such suspension shall not affect the state  
175 assessment under this section. No state assessment imposed under  
176 the provisions of this section may be suspended or reduced by the  
177 court.

178       (8) After a determination by the court of the amount due, it  
179 shall be the duty of the clerk of the court to promptly collect  
180 all state assessments imposed under the provisions of this  
181 section. The state assessments imposed under the provisions of  
182 this section may not be paid by personal check. It shall be the  
183 duty of the chancery clerk of each county to deposit all such  
184 state assessments collected in the circuit, county and justice  
185 courts in such county on a monthly basis with the State Treasurer  
186 pursuant to appropriate procedures established by the State  
187 Auditor. The chancery clerk shall make a monthly lump-sum deposit  
188 of the total state assessments collected in the circuit, county  
189 and justice courts in such county under this section, and shall  
190 report to the Department of Finance and Administration the total  
191 number of violations under each subsection for which state  
192 assessments were collected in the circuit, county and justice

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

205 (9) It shall be the duty of the Department of Finance and  
206 Administration to deposit on a monthly basis all such state  
207 assessments into the proper special fund in the State Treasury.  
208 The monthly deposit shall be based upon the number of violations  
209 reported under each subsection and the pro rata amount of such  
210 assessment due to the appropriate special fund. The Department of  
211 Finance and Administration shall issue regulations providing for  
212 the proper allocation of these special funds.

213 (10) The State Auditor shall establish by regulation  
214 procedures for refunds of state assessments, including refunds  
215 associated with assessments imposed before July 1, 1990, and  
216 refunds after appeals in which the defendant's conviction is  
217 reversed. The Auditor shall provide in such regulations for  
218 certification of eligibility for refunds and may require the  
219 defendant seeking a refund to submit a verified copy of a court  
220 order or abstract by which such defendant is entitled to a refund.  
221 All refunds of state assessments shall be made in accordance with  
222 the procedures established by the Auditor.

223 **SECTION 2.** This act shall take effect and be in force from  
224 and after July 1, 2007.