

**REPORT OF CONFERENCE COMMITTEE**

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 665: Statewide Victims' Information and Notification System; create statewide assessment to benefit.

We, therefore, respectfully submit the following report and recommendation:

- 1. That the Senate recede from its Amendment No. 1.
- 2. That the House and Senate adopt the following amendment:

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

10           **SECTION 1.** Section 99-19-73, Mississippi Code of 1972, as  
 11 amended by Senate Bill No. 2686, 2007 Regular Session, and House  
 12 Bill No. 1498, 2007 Regular Session, is amended as follows:

13           99-19-73. (1) **Traffic violations.** In addition to any  
 14 monetary penalties and any other penalties imposed by law, there  
 15 shall be imposed and collected the following state assessment from  
 16 each person upon whom a court imposes a fine or other penalty for  
 17 any violation in Title 63, Mississippi Code of 1972, except  
 18 offenses relating to the Mississippi Implied Consent Law (Section  
 19 63-11-1 et seq.) and offenses relating to vehicular parking or  
 20 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

31	Emergency Medical Services Operating Fund.....	15.00
32	Mississippi Leadership Council on Aging Fund.....	1.00
33	Law Enforcement Officers and Fire Fighters Death	
34	Benefits Trust Fund.....	.50
35	Law Enforcement Officers and Fire Fighters	
36	Disability Benefits Trust Fund.....	1.00
37	State Prosecutor Compensation Fund for the purpose	
38	of providing additional compensation for legal	
39	assistants to district attorneys.....	1.50
40	Crisis Intervention Mental Health Fund.....	10.00
41	Drug Court Fund.....	10.00
42	Capital Defense Counsel Fund.....	2.89
43	Indigent Appeals Fund.....	2.29
44	Capital Post-Conviction Counsel Fund.....	2.33
45	Victims of Domestic Violence Fund.....	.49
46	<u>Public Defenders Education Fund</u> .....	<u>1.00</u>
47	TOTAL STATE ASSESSMENT.....	\$ <u>69.50</u>

48       (2) **Implied Consent Law violations.** In addition to any  
49 monetary penalties and any other penalties imposed by law, there  
50 shall be imposed and collected the following state assessment from  
51 each person upon whom a court imposes a fine or any other penalty  
52 for any violation of the Mississippi Implied Consent Law (Section  
53 63-11-1 et seq.):

54	FUND	AMOUNT
55	Crime Victims' Compensation Fund.....	\$ 10.00
56	State Court Education Fund.....	1.50
57	State Prosecutor Education Fund.....	1.00
58	Vulnerable Adults Training,	
59	Investigation and Prosecution Trust Fund.....	.50
60	Child Support Prosecution Trust Fund.....	.50
61	Driver Training Penalty Assessment Fund.....	22.00
62	Law Enforcement Officers Training Fund.....	11.00

63	Emergency Medical Services Operating Fund.....	15.00
64	Mississippi Alcohol Safety Education Program Fund....	5.00
65	Federal-State Alcohol Program Fund.....	10.00
66	Mississippi Crime Laboratory	
67	Implied Consent Law Fund.....	25.00
68	Spinal Cord and Head Injury Trust Fund.....	25.00
69	Capital Defense Counsel Fund.....	2.89
70	Indigent Appeals Fund.....	2.29
71	Capital Post-Conviction Counsel Fund.....	2.33
72	Victims of Domestic Violence Fund.....	.49
73	State General Fund.....	35.00
74	Law Enforcement Officers and Fire Fighters Death	
75	Benefits Trust Fund.....	.50
76	Law Enforcement Officers and Fire Fighters Disability	
77	Benefits Trust Fund.....	1.00
78	State Prosecutor Compensation Fund for the purpose	
79	of providing additional compensation for legal	
80	assistants to district attorneys.....	1.50
81	Crisis Intervention Mental Health Fund.....	10.00
82	Drug Court Fund.....	10.00
83	<u>Statewide Victims' Information and Notification</u>	
84	<u>System Fund</u> .....	<u>6.00</u>
85	<u>Public Defenders Education Fund</u> .....	<u>1.00</u>
86	TOTAL STATE ASSESSMENT.....	\$ <u>199.50</u>

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

93	FUND	AMOUNT
94	State Court Education Fund.....	\$ 1.50

95	State Prosecutor Education Fund.....	1.00
96	Law Enforcement Officers Training Fund.....	5.00
97	Hunter Education and Training Program Fund.....	5.00
98	State General Fund.....	30.00
99	Law Enforcement Officers and Fire Fighters Death	
100	Benefits Trust Fund.....	.50
101	Law Enforcement Officers and Fire Fighters Disability	
102	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.....	1.00
106	Crisis Intervention Mental Health Fund.....	10.00
107	Drug Court Fund.....	10.00
108	Capital Defense Counsel Fund.....	2.89
109	Indigent Appeals Fund.....	2.29
110	Capital Post-Conviction Counsel Fund.....	2.33
111	Victims of Domestic Violence Fund.....	.49
112	<u>Public Defenders Education Fund</u> .....	<u>1.00</u>
113	TOTAL STATE ASSESSMENT.....	\$ <u>74.00</u>

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

119	FUND	AMOUNT
120	Statewide Litter Prevention Fund.....	\$ 25.00
121	TOTAL STATE ASSESSMENT.....	\$ 25.00

122       (5) **Other misdemeanors.** In addition to any monetary  
123 penalties and any other penalties imposed by law, there shall be  
124 imposed and collected the following state assessment from each  
125 person upon whom a court imposes a fine or other penalty for any  
126 misdemeanor violation not specified in subsection (1), (2) or (3)

127 of this section, except offenses relating to vehicular parking or  
 128 registration:

129 FUND	AMOUNT
130 Crime Victims' Compensation Fund.....	\$ 10.00
131 State Court Education Fund.....	1.50
132 State Prosecutor Education Fund.....	1.00
133 Vulnerable Adults Training,	
134       Investigation and Prosecution Trust Fund.....	.50
135 Child Support Prosecution Trust Fund.....	.50
136 Law Enforcement Officers Training Fund.....	5.00
137 Capital Defense Counsel Fund.....	2.89
138 Indigent Appeals Fund.....	2.29
139 Capital Post-Conviction Counsel Fund.....	2.33
140 Victims of Domestic Violence Fund.....	.49
141 State General Fund.....	30.00
142 State Crime Stoppers Fund.....	1.50
143 Law Enforcement Officers and Fire Fighters Death	
144       Benefits Trust Fund.....	.50
145 Law Enforcement Officers and Fire Fighters Disability	
146       Benefits Trust Fund.....	1.00
147 State Prosecutor Compensation Fund for the purpose	
148       of providing additional compensation for legal	
149       assistants to district attorneys.....	1.50
150 Crisis Intervention Mental Health Fund.....	10.00
151 Drug Court Fund.....	8.00
152 Judicial Performance Fund.....	2.00
153 <u>Statewide Victims' Information and Notification</u>	
154 <u>System Fund</u> .....	<u>6.00</u>
155 <u>Public Defenders Education Fund</u> .....	<u>1.00</u>
156 TOTAL STATE ASSESSMENT.....	\$ <u>88.00</u>

157 (6) **Other felonies.** In addition to any monetary penalties  
 158 and any other penalties imposed by law, there shall be imposed and

159 collected the following state assessment from each person upon  
 160 whom a court imposes a fine or other penalty for any felony  
 161 violation not specified in subsection (1), (2) or (3) of this  
 162 section:

163 FUND	AMOUNT
164 Crime Victims' Compensation Fund.....	\$ 10.00
165 State Court Education Fund.....	1.50
166 State Prosecutor Education Fund.....	1.00
167 Vulnerable Adults Training, Investigation and Prosecution Trust Fund.....	.50
169 Child Support Prosecution Trust Fund.....	.50
170 Law Enforcement Officers Training Fund.....	5.00
171 Capital Defense Counsel Fund.....	2.89
172 Indigent Appeals Fund.....	2.29
173 Capital Post-Conviction Counsel Fund.....	2.33
174 Victims of Domestic Violence Fund.....	.49
175 State General Fund.....	60.00
176 Criminal Justice Fund.....	50.00
177 Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	.50
179 Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	1.00
181 State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys.....	1.50
184 Crisis Intervention Mental Health Fund.....	10.00
185 Drug Court Fund.....	10.00
186 <u>Statewide Victims' Information and Notification</u> <u>System Fund</u> .....	<u>6.00</u>
188 <u>Public Defenders Education Fund</u> .....	<u>1.00</u>
189 TOTAL STATE ASSESSMENT.....	<u>\$166.50</u>

190 (7) If a fine or other penalty imposed is suspended, in  
191 whole or in part, such suspension shall not affect the state  
192 assessment under this section. No state assessment imposed under  
193 the provisions of this section may be suspended or reduced by the  
194 court.

195 (8) After a determination by the court of the amount due, it  
196 shall be the duty of the clerk of the court to promptly collect  
197 all state assessments imposed under the provisions of this  
198 section. The state assessments imposed under the provisions of  
199 this section may not be paid by personal check. It shall be the  
200 duty of the chancery clerk of each county to deposit all such  
201 state assessments collected in the circuit, county and justice  
202 courts in such county on a monthly basis with the State Treasurer  
203 pursuant to appropriate procedures established by the State  
204 Auditor. The chancery clerk shall make a monthly lump-sum deposit  
205 of the total state assessments collected in the circuit, county  
206 and justice courts in such county under this section, and shall  
207 report to the Department of Finance and Administration the total  
208 number of violations under each subsection for which state  
209 assessments were collected in the circuit, county and justice  
210 courts in such county during such month. It shall be the duty of  
211 the municipal clerk of each municipality to deposit all such state  
212 assessments collected in the municipal court in such municipality  
213 on a monthly basis with the State Treasurer pursuant to  
214 appropriate procedures established by the State Auditor. The  
215 municipal clerk shall make a monthly lump-sum deposit of the total  
216 state assessments collected in the municipal court in such  
217 municipality under this section, and shall report to the  
218 Department of Finance and Administration the total number of  
219 violations under each subsection for which state assessments were  
220 collected in the municipal court in such municipality during such  
221 month.

222 (9) It shall be the duty of the Department of Finance and  
223 Administration to deposit on a monthly basis all such state  
224 assessments into the proper special fund in the State Treasury.  
225 The monthly deposit shall be based upon the number of violations  
226 reported under each subsection and the pro rata amount of such  
227 assessment due to the appropriate special fund. The Department of  
228 Finance and Administration shall issue regulations providing for  
229 the proper allocation of these special funds.

230 (10) The State Auditor shall establish by regulation  
231 procedures for refunds of state assessments, including refunds  
232 associated with assessments imposed before July 1, 1990, and  
233 refunds after appeals in which the defendant's conviction is  
234 reversed. The Auditor shall provide in such regulations for  
235 certification of eligibility for refunds and may require the  
236 defendant seeking a refund to submit a verified copy of a court  
237 order or abstract by which such defendant is entitled to a refund.  
238 All refunds of state assessments shall be made in accordance with  
239 the procedures established by the Auditor.

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

242 99-45-9. (1) The Department of Corrections shall administer  
243 the automated victim notification system. The cost of  
244 administering the system must be paid with appropriations made to  
245 the department and from federal grants and contracts.

246 (2) There is created in the State Treasury a special fund to  
247 be known as the Statewide Victims' Information and Notification  
248 System Fund. The purpose of the fund shall be to provide funding  
249 for the Statewide Victims' Information and Notification System.  
250 Monies from the funds derived from assessments under Section  
251 99-19-73 shall be distributed by the State Treasurer upon warrants  
252 issued by the Mississippi Department of Corrections. The fund



253 shall be a continuing fund, not subject to fiscal-year  
254 limitations, and shall consist of:  
255 (a) Monies appropriated by the Legislature for the  
256 purposes of funding the Statewide Victim's Information and  
257 Notification System;  
258 (b) The interest accruing to the fund;  
259 (c) Monies received under the provisions of Section  
260 99-19-73;  
261 (d) Monies received from the federal government;  
262 (e) Donations; and  
263 (f) Monies received from such other sources as may be  
264 provided by law.

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

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

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,  
2 AS AMENDED BY SENATE BILL NO. 2686, 2007 REGULAR SESSION, AND  
3 HOUSE BILL NO. 1498, 2007 REGULAR SESSION, TO REVISE THE STATEWIDE  
4 MONETARY ASSESSMENTS TO PROVIDE FUNDING FOR THE STATEWIDE VICTIMS'  
5 INFORMATION AND NOTIFICATION SYSTEM; TO AMEND SECTION 99-45-9,  
6 MISSISSIPPI CODE OF 1972, TO CREATE THE STATEWIDE VICTIMS'  
7 INFORMATION AND NOTIFICATION SYSTEM FUND; AND FOR RELATED  
8 PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)  
Smith (39th)

X (SIGNED)  
Bailey

X (SIGNED)  
Upshaw

CONFEREES FOR THE SENATE

X (SIGNED)  
Tollison

X (SIGNED)  
Walls

X (SIGNED)  
Gordon