

By: Representatives Holland, Wooten, Scott

To: Public Health and Human
Services; Ways and MeansHOUSE BILL NO. 1405
(As Passed the House)

1 AN ACT RELATING TO IMPROVING THE MISSISSIPPI TRAUMA CARE
2 SYSTEM; TO AMEND SECTION 41-59-3, MISSISSIPPI CODE OF 1972, TO
3 DELETE THE PROVISION THAT HOSPITAL PARTICIPATION IN THE
4 MISSISSIPPI TRAUMA CARE SYSTEM IS VOLUNTARY; TO AMEND SECTION
5 41-59-5, MISSISSIPPI CODE OF 1972, TO DIRECT THE STATE DEPARTMENT
6 OF HEALTH TO PROMULGATE REGULATIONS SPECIFYING THE METHODS OF
7 PARTICIPATION IN THE MISSISSIPPI TRAUMA CARE SYSTEM BY HOSPITALS,
8 AND TO ASSESS FEES FOR HOSPITALS THAT CHOOSE NOT TO PARTICIPATE IN
9 THE TRAUMA CARE SYSTEM; TO AMEND SECTION 41-59-7, MISSISSIPPI CODE
10 OF 1972, TO CLARIFY THE STATUS OF HOLDOVER APPOINTMENTS TO THE
11 EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL; TO AMEND SECTION
12 41-59-75, MISSISSIPPI CODE OF 1972, TO INCREASE THE PORTION OF
13 ASSESSMENT ON CERTAIN TRAFFIC VIOLATIONS WHICH ARE TO BE DEPOSITED
14 INTO THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO AMEND SECTION
15 63-1-43, MISSISSIPPI CODE OF 1972, TO INCREASE THE INITIAL AND
16 RENEWAL DRIVER'S LICENSE FEE AND TO PROVIDE THAT THIS INCREASE IS
17 TO BE DEPOSITED INTO THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO
18 AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO INCREASE THE
19 LICENSE RENEWAL FEE TO CARRY A CONCEALED WEAPON; TO PROVIDE THAT
20 THE DEPARTMENT OF PUBLIC SAFETY SHALL ISSUE A CONCEALED WEAPON
21 LICENSE WITHIN SIXTY DAYS; TO AMEND SECTION 63-13-11, MISSISSIPPI
22 CODE OF 1972, TO INCREASE THE MOTOR VEHICLE INSPECTION FEE AND TO
23 PROVIDE THAT THIS INCREASE IS TO BE DEPOSITED INTO THE MISSISSIPPI
24 TRAUMA CARE SYSTEMS FUND; TO AMEND SECTION 27-19-43, MISSISSIPPI
25 CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI TAX COMMISSION OR THE
26 COUNTY TAX COLLECTOR TO ASSESS AN ADDITIONAL LICENSE TAG DECAL FEE
27 AND TO PROVIDE THAT THIS INCREASE SHALL BE DEPOSITED INTO THE
28 MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO AMEND SECTION 59-21-25,
29 MISSISSIPPI CODE OF 1972, TO INCREASE BOAT REGISTRATION FEES AND
30 TO PROVIDE THAT THIS INCREASE SHALL BE DEPOSITED INTO THE
31 MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO AMEND SECTION 99-19-73,
32 MISSISSIPPI CODE OF 1972, TO INCREASE THE ASSESSMENT ON TRAFFIC
33 VIOLATIONS AND IMPLIED CONSENT LAW VIOLATIONS WHICH ARE DEPOSITED
34 INTO THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO PROVIDE FOR A
35 POINT-OF-SALE FEE ON THE SALES OF ALL-TERRAIN VEHICLES AND
36 MOTORCYCLES, WHICH SHALL BE DEPOSITED INTO THE MISSISSIPPI TRAUMA
37 CARE SYSTEMS FUND; TO PROVIDE FOR A REPEALER ON THIS ACT; AND FOR
38 RELATED PURPOSES.

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

40 **SECTION 1.** Section 41-59-3, Mississippi Code of 1972, is
41 amended as follows:



42 41-59-3. As used in this chapter, unless the context
43 otherwise requires, the term:

44 (a) "Ambulance" means any privately or publicly owned
45 land or air vehicle that is especially designed, constructed,
46 modified or equipped to be used, maintained and operated upon the
47 streets, highways or airways of this state to assist persons who
48 are sick, injured, wounded, or otherwise incapacitated or
49 helpless;

50 (b) "Permit" means an authorization issued for an
51 ambulance vehicle and/or a special use EMS vehicle as meeting the
52 standards adopted under this chapter;

53 (c) "License" means an authorization to any person,
54 firm, corporation, or governmental division or agency to provide
55 ambulance services in the State of Mississippi;

56 (d) "Emergency medical technician" means an individual
57 who possesses a valid emergency medical technician's certificate
58 issued under the provisions of this chapter;

59 (e) "Certificate" means official acknowledgment that an
60 individual has successfully completed (i) the recommended basic
61 emergency medical technician training course referred to in this
62 chapter which entitles that individual to perform the functions
63 and duties of an emergency medical technician, or (ii) the
64 recommended medical first responder training course referred to in
65 this chapter which entitles that individual to perform the
66 functions and duties of a medical first responder;

67 (f) "Board" means the State Board of Health;

68 (g) "Department" means the State Department of Health,
69 Division of Emergency Medical Services;

70 (h) "Executive officer" means the Executive Officer of
71 the State Board of Health, or his designated representative;

72 (i) "First responder" means a person who uses a limited
73 amount of equipment to perform the initial assessment of and



74 intervention with sick, wounded or otherwise incapacitated
75 persons;

76 (j) "Medical first responder" means a person who uses a
77 limited amount of equipment to perform the initial assessment of
78 and intervention with sick, wounded or otherwise incapacitated
79 persons who (i) is trained to assist other EMS personnel by
80 successfully completing, and remaining current in refresher
81 training in accordance with, an approved "First Responder:
82 National Standard Curriculum" training program, as developed and
83 promulgated by the United States Department of Transportation,
84 (ii) is nationally registered as a first responder by the National
85 Registry of Emergency Medical Technicians; and (iii) is certified
86 as a medical first responder by the State Department of Health,
87 Division of Emergency Medical Services;

88 (k) "Invalid vehicle" means any privately or publicly
89 owned land or air vehicle that is maintained, operated and used
90 only to transport persons routinely who are convalescent or
91 otherwise nonambulatory and do not require the service of an
92 emergency medical technician while in transit;

93 (l) "Special use EMS vehicle" means any privately or
94 publicly owned land, water or air emergency vehicle used to
95 support the provision of emergency medical services. These
96 vehicles shall not be used routinely to transport patients;

97 (m) "Trauma care system" or "trauma system" means a
98 formally organized arrangement of health care resources that has
99 been designated by the department by which major trauma victims
100 are triaged, transported to and treated at trauma care facilities;

101 (n) "Trauma care facility" or "trauma center" means a
102 hospital located in the State of Mississippi or a Level I trauma
103 care facility or center located in a state contiguous to the State
104 of Mississippi that has been designated by the department to
105 perform specified trauma care services within a trauma care system
106 pursuant to standards adopted by the department; * * *



107 (o) "Trauma registry" means a collection of data on
108 patients who receive hospital care for certain types of injuries.
109 Such data are primarily designed to ensure quality trauma care and
110 outcomes in individual institutions and trauma systems, but have
111 the secondary purpose of providing useful data for the
112 surveillance of injury morbidity and mortality;

113 (p) "Emergency medical condition" means a medical
114 condition manifesting itself by acute symptoms of sufficient
115 severity, including severe pain, psychiatric disturbances and/or
116 symptoms of substance abuse, such that a prudent layperson who
117 possesses an average knowledge of health and medicine could
118 reasonably expect the absence of immediate medical attention to
119 result in placing the health of the individual (or, with respect
120 to a pregnant woman, the health of the woman or her unborn child)
121 in serious jeopardy, serious impairment to bodily functions, or
122 serious dysfunction of any bodily organ or part;

123 (q) "Emergency medical call" means a situation that is
124 presumptively classified at time of dispatch to have a high index
125 of probability that an emergency medical condition or other
126 situation exists that requires medical intervention as soon as
127 possible to reduce the seriousness of the situation, or when the
128 exact circumstances are unknown, but the nature of the request is
129 suggestive of a true emergency where a patient may be at risk;

130 (r) "Emergency response" means responding immediately
131 at the basic life support or advanced life support level of
132 service to an emergency medical call. An immediate response is
133 one in which the ambulance supplier begins as quickly as possible
134 to take the steps necessary to respond to the call;

135 (s) "Emergency mode" means an ambulance or special use
136 EMS vehicle operating with emergency lights and warning siren (or
137 warning siren and air horn) while engaged in an emergency medical
138 call.



139 **SECTION 2.** Section 41-59-5, Mississippi Code of 1972, is
140 amended as follows:

141 41-59-5. (1) The State Board of Health shall establish and
142 maintain a program for the improvement and regulation of emergency
143 medical services (hereinafter EMS) in the State of Mississippi.
144 The responsibility for implementation and conduct of this program
145 shall be vested in the State Health Officer of the State Board of
146 Health along with such other officers and boards as may be
147 specified by law or regulation.

148 (2) The board shall provide for the regulation and licensing
149 of public and private ambulance service, inspection and issuance
150 of permits for ambulance vehicles, training and certification of
151 EMS personnel, including drivers and attendants, the development
152 and maintenance of a statewide EMS records program, development
153 and adoption of EMS regulations, the coordination of an EMS
154 communications system, and other related EMS activities.

155 (3) The board is authorized to promulgate and enforce such
156 rules, regulations and minimum standards as needed to carry out
157 the provisions of this chapter.

158 (4) The board is authorized to receive any funds
159 appropriated to the board from the Emergency Medical Services
160 Operating Fund created in Section 41-59-61 and is further
161 authorized, with the Emergency Medical Services Advisory Council
162 acting in an advisory capacity, to administer the disbursement of
163 such funds to the counties, municipalities and organized emergency
164 medical service districts and the utilization of such funds by the
165 same, as provided in Section 41-59-61.

166 (5) The department acting as the lead agency, in
167 consultation with and having solicited advice from the EMS
168 Advisory Council, shall develop a uniform nonfragmented inclusive
169 statewide trauma care system that provides excellent patient care.
170 It is the intent of the Legislature that the purpose of this
171 system is to reduce death and disability resulting from traumatic



172 injury, and in order to accomplish this goal it is necessary to
173 assign additional responsibilities to the department. The
174 department is assigned the responsibility for creating,
175 implementing and managing the statewide trauma care system. The
176 department shall be designated as the lead agency for trauma care
177 systems development. The department shall develop and administer
178 trauma regulations that include, but are not limited to, the
179 Mississippi Trauma Care System Plan, trauma system standards,
180 trauma center designations, field triage, interfacility trauma
181 transfer, EMS aero medical transportation, trauma data collection,
182 trauma care system evaluation and management of state trauma
183 systems funding. The department shall promulgate regulations
184 specifying the methods and procedures by which
185 Mississippi-licensed acute care facilities shall participate in
186 the statewide trauma system. Such regulations shall include
187 mechanisms for determining the appropriate level of participation
188 for each facility or class of facilities. The department shall
189 also adopt a schedule of fees to be assessed for facilities that
190 choose not to participate in the statewide trauma care system, or
191 which participate at a level lower than the level at which they
192 are capable of participating. The department shall promulgate
193 rules and regulations necessary to effectuate this provision by
194 January 1, 2009, with an implementation date of July 1, 2009. The
195 department shall take the necessary steps to develop, adopt and
196 implement the Mississippi Trauma Care System Plan and all
197 associated trauma care system regulations necessary to implement
198 the Mississippi trauma care system. The department shall cause
199 the implementation of both professional and lay trauma education
200 programs. These trauma educational programs shall include both
201 clinical trauma education and injury prevention. As it is
202 recognized that rehabilitation services are essential for
203 traumatized individuals to be returned to active, productive
204 lives, the department shall coordinate the development of the



205 inclusive trauma system with the Mississippi Department of
206 Rehabilitation Services and all other appropriate rehabilitation
207 systems.

208 (6) The State Board of Health is authorized to receive any
209 funds appropriated to the board from the Mississippi Trauma Care
210 System Fund created in Section 41-59-75. It is further
211 authorized, with the Emergency Medical Services Advisory Council
212 and the Mississippi Trauma Advisory Committee acting in advisory
213 capacities, to administer the disbursements of such funds to
214 recognized trauma care facilities as defined in Section 41-59-3
215 according to adopted trauma care system regulations.

216 (7) In addition to the trauma-related duties provided for in
217 this section, the Board of Health shall develop a plan for the
218 delivery of services to Mississippi burn victims through the
219 existing trauma care system of hospitals. Such plan shall be
220 operational by July 1, 2005, and shall include:

221 (a) Systems by which burn patients will be assigned or
222 transferred to hospitals capable of meeting their needs;

223 (b) Until the Mississippi Burn Center established at
224 the University of Mississippi Medical Center under Section 1 of
225 this act is operational, procedures for allocating funds
226 appropriated from the Mississippi Burn Care Fund to hospitals that
227 provide services to Mississippi burn victims; and

228 (c) Such other provisions necessary to provide burn
229 care for Mississippi residents, including reimbursement for
230 travel, lodging, meals and other reasonable travel-related
231 expenses incurred by burn victims, family members and/or
232 caregivers.

233 After the Mississippi Burn Center established at the
234 University of Mississippi Medical Center under Section 37-115-45
235 is operational, the Board of Health shall revise the plan to
236 include the Mississippi Burn Center.



237 **SECTION 3.** Section 41-59-7, Mississippi Code of 1972, is
238 amended as follows:

239 41-59-7. (1) There is hereby created an emergency medical
240 services advisory council to consist of the following members who
241 shall be appointed by the Governor:

242 (a) One (1) licensed physician to be appointed from a
243 list of nominees presented by the Mississippi Trauma Committee,
244 American College of Surgeons;

245 (b) One (1) licensed physician to be appointed from a
246 list of nominees who are actively engaged in rendering emergency
247 medical services presented by the Mississippi State Medical
248 Association;

249 (c) One (1) registered nurse whose employer renders
250 emergency medical services, to be appointed from a list of
251 nominees presented by the Mississippi Nurses Association;

252 (d) Two (2) hospital administrators who are employees
253 of hospitals which provide emergency medical services, to be
254 appointed from a list of nominees presented by the Mississippi
255 Hospital Association;

256 (e) Two (2) operators of ambulance services;

257 (f) Three (3) officials of county or municipal
258 government;

259 (g) One (1) licensed physician to be appointed from a
260 list of nominees presented by the Mississippi Chapter of the
261 American College of Emergency Physicians;

262 (h) One (1) representative from each designated trauma
263 care region, to be appointed from a list of nominees submitted by
264 each region;

265 (i) One (1) registered nurse to be appointed from a
266 list of nominees submitted by the Mississippi Emergency Nurses
267 Association;

268 (j) One (1) EMT-Paramedic whose employer renders
269 emergency medical services in a designated trauma care region;



270 (k) One (1) representative from the Mississippi
271 Department of Rehabilitation Services;

272 (l) One (1) member who shall be a person who has been a
273 recipient of trauma care in Mississippi or who has an immediate
274 family member who has been a recipient of trauma care in
275 Mississippi; and

276 (m) One (1) licensed neurosurgeon to be appointed from
277 a list of nominees presented by the Mississippi State Medical
278 Association.

279 The terms of the advisory council members shall begin on July
280 1, 1974. Four (4) members shall be appointed for a term of two
281 (2) years, three (3) members shall be appointed for a term of
282 three (3) years, and three (3) members shall be appointed for a
283 term of four (4) years. Thereafter, members shall be appointed
284 for a term of four (4) years. The executive officer or his
285 designated representative shall serve as ex officio chairman of
286 the advisory council. Advisory council members may hold over and
287 shall continue to serve until a replacement is named by the
288 Governor.

289 The advisory council shall meet at the call of the chairman
290 at least annually. For attendance at such meetings, the members
291 of the advisory council shall be reimbursed for their actual and
292 necessary expenses including food, lodging and mileage as
293 authorized by law, and they shall be paid per diem compensation
294 authorized under Section 25-3-69.

295 The advisory council shall advise and make recommendations to
296 the board regarding rules and regulations promulgated pursuant to
297 this chapter.

298 (2) There is created a committee of the Emergency Medical
299 Services Advisory Council to be named the Mississippi Trauma
300 Advisory Committee (hereinafter "MTAC"). This committee shall act
301 as the advisory body for trauma care system development and
302 provide technical support to the department in all areas of trauma



303 care system design, trauma standards, data collection and
304 evaluation, continuous quality improvement, trauma care system
305 funding, and evaluation of the trauma care system and trauma care
306 programs. The membership of the Mississippi Trauma Advisory
307 Committee shall be comprised of Emergency Medical Services
308 Advisory Council members appointed by the chairman.

309 **SECTION 4.** Section 41-59-75, Mississippi Code of 1972, is
310 amended as follows:

311 41-59-75. The Mississippi Trauma Care Systems Fund is
312 established. Fifteen Dollars (\$15.00) collected from each
313 assessment of Twenty Dollars (\$20.00) as provided in Section
314 41-59-61, and any other funds made available for funding the
315 trauma care system, shall be deposited into the fund. Funds
316 appropriated from the Mississippi Trauma Care Systems Fund to the
317 State Board of Health shall be made available for department
318 administration and implementation of the comprehensive state
319 trauma care plan for distribution by the department to designated
320 trauma care regions for regional administration, for the
321 department's trauma specific public information and education
322 plan, and to provide hospital and physician indigent trauma care
323 block grant funding to trauma centers designated by the
324 department. All designated trauma care hospitals are eligible to
325 contract with the department for these funds.

326 **SECTION 5.** Section 63-1-43, Mississippi Code of 1972, is
327 amended as follows:

328 63-1-43. (1) The fee for receiving the application and
329 issuing the regular driver's or operator's license and the fee for
330 renewing the license shall be:

331 (a) Eighteen Dollars (\$18.00) plus the applicable
332 photograph fee for each applicant for a four-year license;

333 (b) Three Dollars (\$3.00) plus the applicable
334 photograph fee for each applicant for a one-year license, except
335 as provided in paragraph (c) of this subsection; and



336 (c) Eight Dollars (\$8.00) plus the applicable
337 photograph fee for a one-year license for each applicant who is
338 not a United States citizen and who does not possess a social
339 security number issued by the United States government.

340 All originals and renewals of regular operators' licenses
341 shall be in compliance with Section 63-1-47.

342 (2) The fee for receiving the application and issuing a
343 motorcycle endorsement shall be Five Dollars (\$5.00). Motorcycle
344 endorsements shall be valid for the same period of time as the
345 applicant's operator's license.

346 (3) The fee for receiving the application and issuing a
347 restricted motorcycle operator's license and the fee for renewing
348 such license shall be:

349 (a) Eleven Dollars (\$11.00) plus the applicable
350 photograph fee for a four-year license; and

351 (b) Eight Dollars (\$8.00) plus the applicable
352 photograph fee for a one-year license.

353 All originals and renewals of restricted motorcycle licenses
354 shall be valid for the same period of time that an original
355 regular driver's license may be issued to such person in
356 compliance with Section 63-1-47.

357 (4) From and after January 1, 1990, every person who makes
358 application for an original license or a renewal license to
359 operate a vehicle as a common carrier by motor vehicle, taxicab,
360 passenger coach, dray, contract carrier or private commercial
361 carrier as such terms are defined in Section 27-19-3, except for
362 those vehicles for which a Class A, B or C license is required
363 under Article 2 of this chapter, shall, in lieu of the regular
364 driver's license above provided for, apply for and obtain a Class
365 D commercial driver's license. Except as otherwise provided in
366 subsection (5) of this section, the fee for the issuance of a
367 Class D commercial driver's license shall be Twenty-three Dollars
368 (\$23.00) plus the applicable photograph fee for a period of four



369 (4) years; however, except as required under Article 2 of this
370 chapter, no driver of a pickup truck shall be required to have a
371 commercial license regardless of the purpose for which the pickup
372 truck is used.

373 Except as otherwise provided in subsection (5) of this
374 section, all originals and renewals of commercial licenses issued
375 under this section shall be valid for a period of four (4) years,
376 in compliance with Section 63-1-47. Only persons who operate the
377 above-mentioned vehicles in the course of the regular and
378 customary business of the owner shall be required to obtain a
379 Class D commercial operator's license, and persons operating such
380 vehicles for private purposes or in emergencies shall not be
381 required to obtain such license.

382 (5) The original and each renewal of a commercial driver's
383 license issued under this section to a person who is not a United
384 States citizen and who does not possess a social security number
385 issued by the United States government shall be issued for a
386 period of one (1) year for a fee of Eight Dollars (\$8.00) plus the
387 applicable photograph fee and shall expire one (1) year from the
388 date of issuance. Such person may renew a commercial license
389 issued under this section within thirty (30) days of expiration of
390 the license.

391 (6) The Commissioner of Public Safety, by rule or
392 regulation, shall establish a driver's license photograph fee
393 which shall be the actual cost of the photograph rounded off to
394 the next highest dollar. Monies collected for the photograph fee
395 shall be deposited into a special photograph fee account which the
396 Department of Public Safety shall use to pay the actual cost of
397 producing the photographs. Any monies collected in excess of the
398 actual costs of the photography shall be deposited to the General
399 Fund of the State of Mississippi.

400 (7) In addition to the fees collected by the Commissioner of
401 Public Safety in subsections (1) through (6) above, the



402 commissioner shall assess and collect a fee of Five Dollars
403 (\$5.00) on any motor vehicle driver's license whether for initial
404 or renewal licensure. The fee shall be paid over and deposited to
405 the Mississippi Trauma Care Systems Fund established in Section
406 41-59-75 to be used for the purposes set out in that section.

407 **SECTION 6.** Section 45-9-101, Mississippi Code of 1972, is
408 amended as follows:

409 45-9-101. (1) (a) The Department of Public Safety is
410 authorized to issue licenses to carry stun guns, concealed pistols
411 or revolvers to persons qualified as provided in this section.
412 Such licenses shall be valid throughout the state for a period of
413 five (5) years from the date of issuance. Any person possessing a
414 valid license issued pursuant to this section may carry a stun
415 gun, concealed pistol or concealed revolver.

416 (b) The licensee must carry the license, together with
417 valid identification, at all times in which the licensee is
418 carrying a stun gun, concealed pistol or revolver and must display
419 both the license and proper identification upon demand by a law
420 enforcement officer. A violation of the provisions of this
421 paragraph (b) shall constitute a noncriminal violation with a
422 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
423 by summons.

424 (2) The Department of Public Safety shall issue a license
425 within sixty (60) days, with the designated amount of the license
426 fee being paid over and deposited into the Mississippi Trauma Care
427 Systems Fund, if the applicant:

428 (a) Is a resident of the state and has been a resident
429 for twelve (12) months or longer immediately preceding the filing
430 of the application. However, this residency requirement may be
431 waived, provided the applicant possesses a valid permit from
432 another state, is active military personnel stationed in
433 Mississippi or is a retired law enforcement officer establishing
434 residency in the state;



435 (b) Is twenty-one (21) years of age or older;

436 (c) Does not suffer from a physical infirmity which
437 prevents the safe handling of a stun gun, pistol or revolver;

438 (d) Is not ineligible to possess a firearm by virtue of
439 having been convicted of a felony in a court of this state, of any
440 other state, or of the United States without having been pardoned
441 for same;

442 (e) Does not chronically or habitually abuse controlled
443 substances to the extent that his normal faculties are impaired.
444 It shall be presumed that an applicant chronically and habitually
445 uses controlled substances to the extent that his faculties are
446 impaired if the applicant has been voluntarily or involuntarily
447 committed to a treatment facility for the abuse of a controlled
448 substance or been found guilty of a crime under the provisions of
449 the Uniform Controlled Substances Law or similar laws of any other
450 state or the United States relating to controlled substances
451 within a three-year period immediately preceding the date on which
452 the application is submitted;

453 (f) Does not chronically and habitually use alcoholic
454 beverages to the extent that his normal faculties are impaired.
455 It shall be presumed that an applicant chronically and habitually
456 uses alcoholic beverages to the extent that his normal faculties
457 are impaired if the applicant has been voluntarily or
458 involuntarily committed as an alcoholic to a treatment facility or
459 has been convicted of two (2) or more offenses related to the use
460 of alcohol under the laws of this state or similar laws of any
461 other state or the United States within the three-year period
462 immediately preceding the date on which the application is
463 submitted;

464 (g) Desires a legal means to carry a stun gun,
465 concealed pistol or revolver to defend himself;



466 (h) Has not been adjudicated mentally incompetent, or
467 has waited five (5) years from the date of his restoration to
468 capacity by court order;

469 (i) Has not been voluntarily or involuntarily committed
470 to a mental institution or mental health treatment facility unless
471 he possesses a certificate from a psychiatrist licensed in this
472 state that he has not suffered from disability for a period of
473 five (5) years;

474 (j) Has not had adjudication of guilt withheld or
475 imposition of sentence suspended on any felony unless three (3)
476 years have elapsed since probation or any other conditions set by
477 the court have been fulfilled;

478 (k) Is not a fugitive from justice; and

479 (l) Is not disqualified to possess or own a weapon
480 based on federal law.

481 (3) The Department of Public Safety may deny a license if
482 the applicant has been found guilty of one or more crimes of
483 violence constituting a misdemeanor unless three (3) years have
484 elapsed since probation or any other conditions set by the court
485 have been fulfilled or expunction has occurred prior to the date
486 on which the application is submitted, or may revoke a license if
487 the licensee has been found guilty of one or more crimes of
488 violence within the preceding three (3) years. The department
489 shall, upon notification by a law enforcement agency or a court
490 and subsequent written verification, suspend a license or the
491 processing of an application for a license if the licensee or
492 applicant is arrested or formally charged with a crime which would
493 disqualify such person from having a license under this section,
494 until final disposition of the case. The provisions of subsection
495 (7) of this section shall apply to any suspension or revocation of
496 a license pursuant to the provisions of this section.



497 (4) The application shall be completed, under oath, on a
498 form promulgated by the Department of Public Safety and shall
499 include only:

500 (a) The name, address, place and date of birth, race,
501 sex and occupation of the applicant;

502 (b) The driver's license number or social security
503 number of applicant;

504 (c) Any previous address of the applicant for the two
505 (2) years preceding the date of the application;

506 (d) A statement that the applicant is in compliance
507 with criteria contained within subsections (2) and (3) of this
508 section;

509 (e) A statement that the applicant has been furnished a
510 copy of this section and is knowledgeable of its provisions;

511 (f) A conspicuous warning that the application is
512 executed under oath and that a knowingly false answer to any
513 question, or the knowing submission of any false document by the
514 applicant, subjects the applicant to criminal prosecution; and

515 (g) A statement that the applicant desires a legal
516 means to carry a stun gun, concealed pistol or revolver to defend
517 himself.

518 (5) The applicant shall submit only the following to the
519 Department of Public Safety:

520 (a) A completed application as described in subsection
521 (4) of this section;

522 (b) A full-face photograph of the applicant;

523 (c) A nonrefundable license fee of One Hundred Dollars
524 (\$100.00). Costs for processing the set of fingerprints as
525 required in paragraph (c) of this subsection shall be borne by the
526 applicant. Honorably retired law enforcement officers shall be
527 exempt from the payment of the license fee;

528 (d) A full set of fingerprints of the applicant
529 administered by the Department of Public Safety; and



530 (e) A waiver authorizing the Department of Public
531 Safety access to any records concerning commitments of the
532 applicant to any of the treatment facilities or institutions
533 referred to in subsection (2) and permitting access to all the
534 applicant's criminal records.

535 (6) (a) The Department of Public Safety, upon receipt of
536 the items listed in subsection (5) of this section, shall forward
537 the full set of fingerprints of the applicant to the appropriate
538 agencies for state and federal processing.

539 (b) The Department of Public Safety shall forward a
540 copy of the applicant's application to the sheriff of the
541 applicant's county of residence and, if applicable, the police
542 chief of the applicant's municipality of residence. The sheriff
543 of the applicant's county of residence and, if applicable, the
544 police chief of the applicant's municipality of residence may, at
545 his discretion, participate in the process by submitting a
546 voluntary report to the Department of Public Safety containing any
547 readily discoverable prior information that he feels may be
548 pertinent to the licensing of any applicant. The reporting shall
549 be made within thirty (30) days after the date he receives the
550 copy of the application. Upon receipt of a response from a
551 sheriff or police chief, such sheriff or police chief shall be
552 reimbursed at a rate set by the department.

553 (c) The Department of Public Safety shall, within sixty
554 (60) days after the date of receipt of the items listed in
555 subsection (5) of this section:

556 (i) Issue the license; or

557 (ii) Deny the application based solely on the
558 ground that the applicant fails to qualify under the criteria
559 listed in subsections (2) and (3) of this section. If the
560 Department of Public Safety denies the application, it shall
561 notify the applicant in writing, stating the ground for denial,



562 and the denial shall be subject to the appeal process set forth in
563 subsection (7).

564 (d) In the event a legible set of fingerprints, as
565 determined by the Department of Public Safety and the Federal
566 Bureau of Investigation, cannot be obtained after a minimum of two
567 (2) attempts, the Department of Public Safety shall determine
568 eligibility based upon a name check by the Mississippi Highway
569 Safety Patrol and a Federal Bureau of Investigation name check
570 conducted by the Mississippi Highway Safety Patrol at the request
571 of the Department of Public Safety.

572 (7) (a) If the Department of Public Safety denies the
573 issuance of a license, or suspends or revokes a license, the party
574 aggrieved may appeal such denial, suspension or revocation to the
575 Commissioner of Public Safety, or his authorized agent, within
576 thirty (30) days after the aggrieved party receives written notice
577 of such denial, suspension or revocation. The Commissioner of
578 Public Safety, or his duly authorized agent, shall rule upon such
579 appeal within thirty (30) days after the appeal is filed and
580 failure to rule within this thirty-day period shall constitute
581 sustaining such denial, suspension or revocation. Such review
582 shall be conducted pursuant to such reasonable rules and
583 regulations as the Commissioner of Public Safety may adopt.

584 (b) If the revocation, suspension or denial of issuance
585 is sustained by the Commissioner of Public Safety, or his duly
586 authorized agent pursuant to paragraph (a) of this subsection, the
587 aggrieved party may file within ten (10) days after the rendition
588 of such decision a petition in the circuit or county court of his
589 residence for review of such decision. A hearing for review shall
590 be held and shall proceed before the court without a jury upon the
591 record made at the hearing before the Commissioner of Public
592 Safety or his duly authorized agent. No such party shall be
593 allowed to carry a stun gun, concealed pistol or revolver pursuant



594 to the provisions of this section while any such appeal is
595 pending.

596 (8) The Department of Public Safety shall maintain an
597 automated listing of license holders and such information shall be
598 available online, upon request, at all times, to all law
599 enforcement agencies through the Mississippi Crime Information
600 Center. However, the records of the department relating to
601 applications for licenses to carry stun guns, concealed pistols or
602 revolvers and records relating to license holders shall be exempt
603 from the provisions of the Mississippi Public Records Act of 1983
604 for a period of forty-five (45) days from the date of the issuance
605 of the license or the final denial of an application.

606 (9) Within thirty (30) days after the changing of a
607 permanent address, or within thirty (30) days after having a
608 license lost or destroyed, the licensee shall notify the
609 Department of Public Safety in writing of such change or loss.
610 Failure to notify the Department of Public Safety pursuant to the
611 provisions of this subsection shall constitute a noncriminal
612 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
613 be enforceable by a summons.

614 (10) In the event that a stun gun, concealed pistol or
615 revolver license is lost or destroyed, the person to whom the
616 license was issued shall comply with the provisions of subsection
617 (9) of this section and may obtain a duplicate, or substitute
618 thereof, upon payment of Fifteen Dollars (\$15.00) to the
619 Department of Public Safety, and furnishing a notarized statement
620 to the department that such license has been lost or destroyed.

621 (11) A license issued under this section shall be revoked if
622 the licensee becomes ineligible under the criteria set forth in
623 subsection (2) of this section.

624 (12) No less than ninety (90) days prior to the expiration
625 date of the license, the Department of Public Safety shall mail to
626 each licensee a written notice of the expiration and a renewal



627 form prescribed by the department. The licensee must renew his
628 license on or before the expiration date by filing with the
629 department the renewal form, a notarized affidavit stating that
630 the licensee remains qualified pursuant to the criteria specified
631 in subsections (2) and (3) of this section, and a full set of
632 fingerprints administered by the Department of Public Safety. A
633 renewal fee of Sixty Dollars (\$60.00) shall also be submitted
634 along with costs for processing the fingerprints; * * * however,
635 * * * honorably retired law enforcement officers shall be exempt
636 from this renewal fee. Ten Dollars (\$10.00) of the renewal fee
637 shall be paid over and deposited into the Mississippi Trauma Care
638 Systems Fund established in Section 41-59-75 to be used for the
639 purposes set out in that section. The Department of Public Safety
640 shall forward the full set of fingerprints of the applicant to the
641 appropriate agencies for state and federal processing. The
642 license shall be renewed upon receipt of the completed renewal
643 application and appropriate payment of fees. Additionally, a
644 licensee who fails to file a renewal application on or before its
645 expiration date must renew his license by paying a late fee of
646 Fifteen Dollars (\$15.00). No license shall be renewed six (6)
647 months or more after its expiration date, and such license shall
648 be deemed to be permanently expired. A person whose license has
649 been permanently expired may reapply for licensure; however, an
650 application for licensure and fees pursuant to subsection (5) of
651 this section must be submitted, and a background investigation
652 shall be conducted pursuant to the provisions of this section.

653 (13) No license issued pursuant to this section shall
654 authorize any person to carry a stun gun, concealed pistol or
655 revolver into any place of nuisance as defined in Section 95-3-1,
656 Mississippi Code of 1972; any police, sheriff or highway patrol
657 station; any detention facility, prison or jail; any courthouse;
658 any courtroom, except that nothing in this section shall preclude
659 a judge from carrying a concealed weapon or determining who will



660 carry a concealed weapon in his courtroom; any polling place; any
661 meeting place of the governing body of any governmental entity;
662 any meeting of the Legislature or a committee thereof; any public
663 park unless for the purpose of participating in any authorized
664 firearms-related activity; any school, college or professional
665 athletic event not related to firearms; any portion of an
666 establishment, licensed to dispense alcoholic beverages for
667 consumption on the premises, that is primarily devoted to
668 dispensing alcoholic beverages; any portion of an establishment in
669 which beer or light wine is consumed on the premises, that is
670 primarily devoted to such purpose; any elementary or secondary
671 school facility; any junior college, community college, college or
672 university facility unless for the purpose of participating in any
673 authorized firearms-related activity; inside the passenger
674 terminal of any airport, except that no person shall be prohibited
675 from carrying any legal firearm into the terminal if the firearm
676 is encased for shipment, for purposes of checking such firearm as
677 baggage to be lawfully transported on any aircraft; any church or
678 other place of worship; or any place where the carrying of
679 firearms is prohibited by federal law. In addition to the places
680 enumerated in this subsection, the carrying of a stun gun,
681 concealed pistol or revolver may be disallowed in any place in the
682 discretion of the person or entity exercising control over the
683 physical location of such place by the placing of a written notice
684 clearly readable at a distance of not less than ten (10) feet that
685 the "carrying of a pistol or revolver is prohibited." No license
686 issued pursuant to this section shall authorize the participants
687 in a parade or demonstration for which a permit is required to
688 carry a stun gun, concealed pistol or revolver.

689 (14) A law enforcement officer as defined in Section 45-6-3,
690 chiefs of police, sheriffs and persons licensed as professional
691 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of



692 1972, shall be exempt from the licensing requirements of this
693 section.

694 (15) Any person who knowingly submits a false answer to any
695 question on an application for a license issued pursuant to this
696 section, or who knowingly submits a false document when applying
697 for a license issued pursuant to this section, shall, upon
698 conviction, be guilty of a misdemeanor and shall be punished as
699 provided in Section 99-19-31.

700 (16) All fees collected by the Department of Public Safety
701 pursuant to this section shall be deposited into a special fund
702 hereby created in the State Treasury and shall be used for
703 implementation and administration of this section. After the
704 close of each fiscal year, the balance in this fund shall be
705 certified to the Legislature and then may be used by the
706 Department of Public Safety as directed by the Legislature.

707 (17) All funds received by a sheriff or police chief
708 pursuant to the provisions of this section shall be deposited into
709 the general fund of the county or municipality, as appropriate,
710 and shall be budgeted to the sheriff's office or police department
711 as appropriate.

712 (18) Nothing in this section shall be construed to require
713 or allow the registration, documentation or providing of serial
714 numbers with regard to any stun gun or firearm. Further, nothing
715 in this section shall be construed to allow the open and
716 unconcealed carrying of any stun gun or a deadly weapon as
717 described in Section 97-37-1, Mississippi Code of 1972.

718 (19) Any person holding a valid unrevoked and unexpired
719 license to carry stun guns, concealed pistols or revolvers issued
720 in another state shall have such license recognized by this state
721 to carry stun guns, concealed pistols or revolvers, provided that
722 the issuing state authorizes license holders from this state to
723 carry stun guns, concealed pistols or revolvers in such issuing



724 state and the appropriate authority has communicated that fact to
725 the Department of Public Safety.

726 (20) The provisions of this section shall be under the
727 supervision of the Commissioner of Public Safety. The
728 commissioner is authorized to promulgate reasonable rules and
729 regulations to carry out the provisions of this section.

730 (21) For the purposes of this section, the term "stun gun"
731 means a portable device or weapon from which an electric current,
732 impulse, wave or beam may be directed, which current, impulse,
733 wave or beam is designed to incapacitate temporarily, injure,
734 momentarily stun, knock out, cause mental disorientation or
735 paralyze.

736 **SECTION 7.** Section 63-13-11, Mississippi Code of 1972, is
737 amended as follows:

738 63-13-11. A fee of Six Dollars (\$6.00) shall be charged for
739 an inspection and issuance of a certificate of inspection for
740 vehicles registered in this state. A fee of Eleven Dollars
741 (\$11.00) shall be charged for an inspection and issuance of a
742 certificate of inspection for vehicles registered in another state
743 unless a reciprocal agreement, as provided for in Section 63-13-7
744 has been approved, in which event no Mississippi certificate of
745 inspection shall be required. The fee for state registered
746 vehicles shall include a charge of Three Dollars (\$3.00) per
747 certificate of inspection, which shall be remitted to the
748 Mississippi Department of Public Safety. The fee for motor
749 vehicles registered in another state includes a charge of Ten
750 Dollars (\$10.00) per certificate of inspection, which shall be
751 remitted to the Department of Public Safety. The funds so
752 received by the department, less and except the funds deposited by
753 the Department of Public Safety into the Mississippi Trauma Care
754 Systems Fund, shall be deposited in the General Fund of the State
755 Treasury in accordance with the provisions of Section 45-1-23(2).
756 Based on the number of inspections performed and reported to the



757 Commissioner of Public Safety, the Department of Public Safety
758 shall deposit One Dollar (\$1.00) of each fee for each inspection
759 performed into the Mississippi Trauma Care Systems Fund
760 established by Section 41-59-75 to be used for the purposes set
761 out in that section. The portion of the fee which is not remitted
762 to the department may be retained by the official inspection
763 stations.

764 **SECTION 8.** Section 27-19-43, Mississippi Code of 1972, is
765 amended as follows:

766 27-19-43. (1) License tags, substitute tags and decals for
767 individual fleets and for private carriers of passengers, school
768 buses (excluding school buses owned by a school district in the
769 state), church buses, taxicabs, ambulances, hearses, motorcycles
770 and private carriers of property, and private commercial carriers
771 of property of a gross weight of ten thousand (10,000) pounds and
772 less, shall be sold and issued by the tax collectors of the
773 several counties.

774 (2) Applications for license tags for motor vehicles in a
775 corporate fleet registered under Section 27-19-66, and
776 applications for all other license tags, substitute tags and
777 decals shall be filed with the commission or the local tax
778 collector of the respective counties and forwarded to the
779 commission for issuance to the applicant. All tags and decals for
780 vehicles owned by the state or any agency or instrumentality
781 thereof, and vehicles owned by a fire protection district, school
782 district or a county or municipality, and all vehicles owned by a
783 road, drainage or levee district shall be issued by the
784 commission.

785 (3) In addition to the privilege taxes levied herein, there
786 shall be collected the following registration or tag fee:

787 (a) For the issuance of both a license tag and two (2)
788 decals, a fee of Five Dollars (\$5.00).



789 (b) For the issuance of up to two (2) decals only, a
790 fee of Three Dollars and Seventy-five Cents (\$3.75).

791 (c) Additionally, the tax collector or the commission,
792 as the case may be, shall assess and collect a fee of Two Dollars
793 (\$2.00) upon each set of license tags and two (2) decals issued,
794 or upon each set of two (2) decals issued, and that sum shall be
795 deposited in the Mississippi Trauma Care Systems Fund established
796 in Section 41-59-75, to be used for the purposes set out in that
797 section.

798 No tag or decal shall be issued either by a tax collector or
799 by the commission without the collection of such registration fee
800 except substitute tags and decals and license tags for vehicles
801 owned by the State of Mississippi.

802 Beginning July 1, 1987, and until the date specified in
803 Section 65-39-35, there shall be levied a registration fee of Five
804 Dollars (\$5.00) in addition to the regular registration fee
805 imposed in paragraphs (a) and (b) of this subsection. Such
806 additional registration fee shall be levied in the same manner as
807 the regular registration fee.

808 **SECTION 9.** Section 59-21-25, Mississippi Code of 1972, is
809 amended as follows:

810 59-21-25. (1) Fees for the award of certificates of number
811 for original, transfer, renewal, livery, dealer and duplicate
812 shall be as follows:

- 813 (a) Less than 16 feet.....\$ 9.00
814 (b) 16 feet but less than 26 feet.....\$27.00
815 (c) 26 feet but less than 40 feet.....\$54.00
816 (d) 40 feet and over.....\$54.00
817 (e) Dealer number.....\$45.00
818 (f) Duplicate.....\$ 6.00
819 (g) Boat inspection fee.....\$12.00

820 (2) The fee provided for under subsection (1)(g) of this
821 section shall only be charged when the owner of a boat requests



822 the Department of Wildlife, Fisheries and Parks to perform an
823 inspection of a boat serial number for the purpose of replacing or
824 awarding a damaged or removed serial number.

825 (3) Eighty percent (80%) of the fees collected for numbers
826 and renewal of number shall be payable to the Mississippi
827 Department of Wildlife, Fisheries and Parks to be deposited by the
828 department in the State Treasury in a special fund to be
829 designated as the Fisheries and Wildlife Fund, which shall be
830 disbursed upon the recommendation of the department as may be
831 appropriated by the Legislature. The State Treasurer shall
832 release to the department such sums as are required to defray all
833 administrative costs of the boat registration fee division of the
834 department and to improve the law enforcement capability of the
835 department on the inland and marine waters of the State of
836 Mississippi and as may be budgeted by the department for the
837 purpose of paying the cost of the administration of this chapter
838 for education on water safety, improvement of water safety and
839 motorboating facilities in the state, and advertising and
840 promoting the waterways of the state. Twenty percent (20%) of the
841 fees so collected shall be deposited in the Mississippi Trauma
842 Care Systems Fund created by Section 41-59-75, to be used for the
843 purposes set out in that section. Any and all revenue over and
844 above the actual administrative cost of implementing this chapter
845 shall be used to fund salaries of additional conservation officers
846 in all eighty-two (82) counties.

847 **SECTION 10.** Section 99-19-73, Mississippi Code of 1972, is
848 amended as follows:

849 99-19-73. (1) **Traffic violations.** In addition to any
850 monetary penalties and any other penalties imposed by law, there
851 shall be imposed and collected the following state assessment from
852 each person upon whom a court imposes a fine or other penalty for
853 any violation in Title 63, Mississippi Code of 1972, except
854 offenses relating to the Mississippi Implied Consent Law (Section



855 63-11-1 et seq.) and offenses relating to vehicular parking or
856 registration:

857	FUND	AMOUNT
858	State Court Education Fund.....	\$ 1.50
859	State Prosecutor Education Fund.....	1.00
860	Vulnerable Adults Training,	
861	Investigation and Prosecution Trust Fund.....	.50
862	Child Support Prosecution Trust Fund.....	.50
863	Driver Training Penalty Assessment Fund.....	7.00
864	Law Enforcement Officers Training Fund.....	5.00
865	Spinal Cord and Head Injury Trust Fund	
866	(for all moving violations).....	6.00
867	Emergency Medical Services Operating Fund.....	<u>20.00</u>
868	Mississippi Leadership Council on Aging Fund.....	1.00
869	Law Enforcement Officers and Fire Fighters Death	
870	Benefits Trust Fund.....	.50
871	Law Enforcement Officers and Fire Fighters	
872	Disability Benefits Trust Fund.....	1.00
873	State Prosecutor Compensation Fund for the purpose	
874	of providing additional compensation for legal	
875	assistants to district attorneys.....	1.50
876	Crisis Intervention Mental Health Fund.....	10.00
877	Drug Court Fund.....	10.00
878	Capital Defense Counsel Fund.....	2.89
879	Indigent Appeals Fund.....	2.29
880	Capital Post-Conviction Counsel Fund.....	2.33
881	Victims of Domestic Violence Fund.....	.49
882	Public Defenders Education Fund.....	1.00
883	TOTAL STATE ASSESSMENT.....	\$ <u>74.50</u>

884 (2) **Implied Consent Law violations.** In addition to any
885 monetary penalties and any other penalties imposed by law, there
886 shall be imposed and collected the following state assessment from
887 each person upon whom a court imposes a fine or any other penalty



888 for any violation of the Mississippi Implied Consent Law (Section
 889 63-11-1 et seq.):

890 FUND	AMOUNT
891 Crime Victims' Compensation Fund.....	\$ 10.00
892 State Court Education Fund.....	1.50
893 State Prosecutor Education Fund.....	1.00
894 Vulnerable Adults Training,	
895 Investigation and Prosecution Trust Fund.....	.50
896 Child Support Prosecution Trust Fund.....	.50
897 Driver Training Penalty Assessment Fund.....	22.00
898 Law Enforcement Officers Training Fund.....	11.00
899 Emergency Medical Services Operating Fund.....	<u>20.00</u>
900 Mississippi Alcohol Safety Education Program Fund.....	5.00
901 Federal-State Alcohol Program Fund.....	10.00
902 Mississippi Crime Laboratory	
903 Implied Consent Law Fund.....	25.00
904 Spinal Cord and Head Injury Trust Fund.....	25.00
905 Capital Defense Counsel Fund.....	2.89
906 Indigent Appeals Fund.....	2.29
907 Capital Post-Conviction Counsel Fund.....	2.33
908 Victims of Domestic Violence Fund.....	.49
909 State General Fund.....	35.00
910 Law Enforcement Officers and Fire Fighters Death	
911 Benefits Trust Fund.....	.50
912 Law Enforcement Officers and Fire Fighters Disability	
913 Benefits Trust Fund.....	1.00
914 State Prosecutor Compensation Fund for the purpose	
915 of providing additional compensation for legal	
916 assistants to district attorneys.....	1.50
917 Crisis Intervention Mental Health Fund.....	10.00
918 Drug Court Fund.....	10.00
919 Statewide Victims' Information and Notification	
920 System Fund.....	6.00



921 Public Defenders Education Fund..... 1.00
 922 TOTAL STATE ASSESSMENT.....\$204.50

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

929 FUND	AMOUNT
930 State Court Education Fund.....	\$ 1.50
931 State Prosecutor Education Fund.....	1.00
932 Law Enforcement Officers Training Fund.....	5.00
933 Hunter Education and Training Program Fund.....	5.00
934 State General Fund.....	30.00
935 Law Enforcement Officers and Fire Fighters Death	
936 Benefits Trust Fund.....	.50
937 Law Enforcement Officers and Fire Fighters Disability	
938 Benefits Trust Fund.....	1.00
939 State Prosecutor Compensation Fund for the purpose	
940 of providing additional compensation for legal	
941 assistants to district attorneys.....	1.00
942 Crisis Intervention Mental Health Fund.....	10.00
943 Drug Court Fund.....	10.00
944 Capital Defense Counsel Fund.....	2.89
945 Indigent Appeals Fund.....	2.29
946 Capital Post-Conviction Counsel Fund.....	2.33
947 Victims of Domestic Violence Fund.....	.49
948 Public Defenders Education Fund.....	1.00
949 TOTAL STATE ASSESSMENT.....	\$ 74.00

950 (4) **Litter Law violations.** In addition to any monetary
 951 penalties and any other penalties imposed by law, there shall be
 952 imposed and collected the following state assessment from each



953 person upon whom a court imposes a fine or other penalty for any
 954 violation of Section 97-15-29 or 97-15-30:

955 FUND	AMOUNT
956 Statewide Litter Prevention Fund.....	\$ 25.00
957 TOTAL STATE ASSESSMENT.....	\$ 25.00

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

965 FUND	AMOUNT
966 Crime Victims' Compensation Fund.....	\$ 10.00
967 State Court Education Fund.....	1.50
968 State Prosecutor Education Fund.....	1.00
969 Vulnerable Adults Training, Investigation and Prosecution Trust Fund.....	.50
971 Child Support Prosecution Trust Fund.....	.50
972 Law Enforcement Officers Training Fund.....	5.00
973 Capital Defense Counsel Fund.....	2.89
974 Indigent Appeals Fund.....	2.29
975 Capital Post-Conviction Counsel Fund.....	2.33
976 Victims of Domestic Violence Fund.....	.49
977 State General Fund.....	30.00
978 State Crime Stoppers Fund.....	1.50
979 Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	.50
981 Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	1.00
983 State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys.....	1.50



986	Crisis Intervention Mental Health Fund.....	10.00
987	Drug Court Fund.....	8.00
988	Judicial Performance Fund.....	2.00
989	Statewide Victims' Information and Notification	
990	System Fund.....	6.00
991	Public Defenders Education Fund.....	1.00
992	TOTAL STATE ASSESSMENT.....	\$ 88.00

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

999	FUND	AMOUNT
1000	Crime Victims' Compensation Fund.....	\$ 10.00
1001	State Court Education Fund.....	1.50
1002	State Prosecutor Education Fund.....	1.00
1003	Vulnerable Adults Training,	
1004	Investigation and Prosecution Trust Fund.....	.50
1005	Child Support Prosecution Trust Fund.....	.50
1006	Law Enforcement Officers Training Fund.....	5.00
1007	Capital Defense Counsel Fund.....	2.89
1008	Indigent Appeals Fund.....	2.29
1009	Capital Post-Conviction Counsel Fund.....	2.33
1010	Victims of Domestic Violence Fund.....	.49
1011	State General Fund.....	60.00
1012	Criminal Justice Fund.....	50.00
1013	Law Enforcement Officers and Fire Fighters Death	
1014	Benefits Trust Fund.....	.50
1015	Law Enforcement Officers and Fire Fighters Disability	
1016	Benefits Trust Fund.....	1.00
1017	State Prosecutor Compensation Fund for the purpose	
1018	of providing additional compensation for legal	



1019	assistants to district attorneys.....	1.50
1020	Crisis Intervention Mental Health Fund.....	10.00
1021	Drug Court Fund.....	10.00
1022	Statewide Victims' Information and Notification	
1023	System Fund.....	6.00
1024	Public Defenders Education Fund.....	1.00
1025	TOTAL STATE ASSESSMENT.....	\$166.50

1026 (7) If a fine or other penalty imposed is suspended, in
1027 whole or in part, such suspension shall not affect the state
1028 assessment under this section. No state assessment imposed under
1029 the provisions of this section may be suspended or reduced by the
1030 court.

1031 (8) After a determination by the court of the amount due, it
1032 shall be the duty of the clerk of the court to promptly collect
1033 all state assessments imposed under the provisions of this
1034 section. The state assessments imposed under the provisions of
1035 this section may not be paid by personal check. It shall be the
1036 duty of the chancery clerk of each county to deposit all such
1037 state assessments collected in the circuit, county and justice
1038 courts in such county on a monthly basis with the State Treasurer
1039 pursuant to appropriate procedures established by the State
1040 Auditor. The chancery clerk shall make a monthly lump-sum deposit
1041 of the total state assessments collected in the circuit, county
1042 and justice courts in such county under this section, and shall
1043 report to the Department of Finance and Administration the total
1044 number of violations under each subsection for which state
1045 assessments were collected in the circuit, county and justice
1046 courts in such county during such month. It shall be the duty of
1047 the municipal clerk of each municipality to deposit all such state
1048 assessments collected in the municipal court in such municipality
1049 on a monthly basis with the State Treasurer pursuant to
1050 appropriate procedures established by the State Auditor. The
1051 municipal clerk shall make a monthly lump-sum deposit of the total



1052 state assessments collected in the municipal court in such
1053 municipality under this section, and shall report to the
1054 Department of Finance and Administration the total number of
1055 violations under each subsection for which state assessments were
1056 collected in the municipal court in such municipality during such
1057 month.

1058 (9) It shall be the duty of the Department of Finance and
1059 Administration to deposit on a monthly basis all such state
1060 assessments into the proper special fund in the State Treasury.
1061 The monthly deposit shall be based upon the number of violations
1062 reported under each subsection and the pro rata amount of such
1063 assessment due to the appropriate special fund. The Department of
1064 Finance and Administration shall issue regulations providing for
1065 the proper allocation of these special funds.

1066 (10) The State Auditor shall establish by regulation
1067 procedures for refunds of state assessments, including refunds
1068 associated with assessments imposed before July 1, 1990, and
1069 refunds after appeals in which the defendant's conviction is
1070 reversed. The Auditor shall provide in such regulations for
1071 certification of eligibility for refunds and may require the
1072 defendant seeking a refund to submit a verified copy of a court
1073 order or abstract by which such defendant is entitled to a refund.
1074 All refunds of state assessments shall be made in accordance with
1075 the procedures established by the Auditor.

1076 **SECTION 11.** (1) There is levied a point-of-sale fee of
1077 Twenty Dollars (\$20.00) on the retail and casual sales of
1078 all-terrain vehicles and motorcycles as defined in Section
1079 63-21-5.

1080 (2) The seller of an all-terrain vehicle and the retail
1081 seller of a motorcycle shall collect the fee from the purchaser at
1082 the time of sale and remit the fee to the State Tax Commission,
1083 which shall deposit the proceeds of the fees into the Mississippi
1084 Trauma Care Systems Fund created in Section 41-59-75.



1085 (3) For casual sales of motorcycles, the fee shall be
1086 collected by the tax collector at the time of, and as a
1087 prerequisite to, the registration of or licensing of the
1088 motorcycle. County tax collectors shall pay to the State Tax
1089 Commission each month all fees collected under this section, less
1090 a commission of three percent (3%) that shall be retained by the
1091 tax collector for collecting the fees. The State Tax Commission
1092 shall deposit the proceeds of the fees into the Mississippi Trauma
1093 Care Systems Fund.

1094 **SECTION 12.** This act shall stand repealed on July 1, 2012.

1095 **SECTION 13.** This act shall take effect and be in force from
1096 and after July 1, 2008.

