

By: Representative Young

To: Appropriations

HOUSE BILL NO. 590

1 AN ACT TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE
 2 DESIGNATED AS THE "MISSISSIPPI HIGHWAY SAFETY PATROL FUND" FOR THE
 3 PURPOSE OF DEFRAYING THE EXPENSES ASSOCIATED WITH THE PURCHASE OF
 4 NECESSARY UNIFORMS, AUTOMOBILES AND OTHER EQUIPMENT FOR MEMBERS OF
 5 THE HIGHWAY SAFETY PATROL AND TO DEFRAY THE EXPENSES OF PROVIDING
 6 THE NECESSARY TRAINING TO QUALIFYING OFFICERS RECRUITED TO ATTEND
 7 TROOPER SCHOOL; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF
 8 1972, TO INCREASE THE AMOUNT OF OVERALL STATE ASSESSMENT FOR EACH
 9 INFRACTION PROVIDED THEREUNDER BY TEN PERCENT FOR THE PURPOSE OF
 10 FUNDING THE MISSISSIPPI HIGHWAY SAFETY PATROL FUND; AND FOR
 11 RELATED PURPOSES.

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

13 **SECTION 1.** (1) (a) There is created in the State Treasury
 14 a special fund to be designated as the "Mississippi Highway Safety
 15 Patrol Fund," the purpose of which shall be to defray the expenses
 16 associated with the purchase of necessary uniforms, automobiles
 17 and other equipment for members of the highway safety patrol, as
 18 provided for under Sections 43-3-31 and 45-3-35, and to defray the
 19 expenses of providing the necessary training to qualifying
 20 officers recruited to attend Trooper School. Monies from the fund
 21 derived from assessments collected under Section 99-19-73, shall
 22 be distributed by the State Treasurer upon warrants issued by the



23 Department of Public Safety Division of the Highway Safety Patrol.
24 The monies in the fund shall be expended upon appropriation by the
25 Legislature, and shall consist of:

- 26 (i) Monies appropriated by the Legislature;
- 27 (ii) The interest accruing on the fund;
- 28 (iii) Monies received under the provisions of
29 Section 99-19-73;
- 30 (iv) Monies received from the federal government;
- 31 (v) Donations; and
- 32 (vi) Monies received from such other sources as
33 may be provided by law.

34 (b) Unexpended amounts remaining in the fund and
35 account at the end of the fiscal year shall not lapse into the
36 State General Fund and any interest earned on the fund shall be
37 deposited to the credit of the fund.

38 (2) The department may accept for any of its purposes and
39 functions under this act any and all donations, both real and
40 personal property, and grants of money from any governmental unit
41 or public agency, or from any institution, person, firm or
42 corporation.

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

45 99-19-73. (1) **Traffic violations.** In addition to any
46 monetary penalties and any other penalties imposed by law, there
47 shall be imposed and collected the following state assessment from



48 each person upon whom a court imposes a fine or other penalty for
49 any violation in Title 63, Mississippi Code of 1972, except
50 offenses relating to the Mississippi Implied Consent Law (Section
51 63-11-1 et seq.) and offenses relating to vehicular parking or
52 registration:

53	FUND	AMOUNT
54	State Court Education Fund.....	[Deleted]
55	State Prosecutor Education Fund.....	[Deleted]
56	Vulnerable Persons Training, 57 Investigation and Prosecution Trust Fund.....	[Deleted]
58	Child Support Prosecution Trust Fund.....	[Deleted]
59	Driver Training Penalty Assessment Fund.....	[Deleted]
60	Law Enforcement Officers Training Fund.....	[Deleted]
61	Spinal Cord and Head Injury Trust Fund 62 (for all moving violations).....	[Deleted]
63	Emergency Medical Services Operating Fund.....	[Deleted]
64	Mississippi Leadership Council on Aging Fund.....	[Deleted]
65	Law Enforcement Officers and Fire Fighters 66 Death Benefits Trust Fund.....	[Deleted]
67	Law Enforcement Officers and Fire Fighters 68 Disability Benefits Trust Fund.....	[Deleted]
69	State Prosecutor Compensation Fund for the purpose 70 of providing additional compensation for 71 district attorneys and their legal assistants.....	[Deleted]
72	Crisis Intervention Mental Health Fund.....	[Deleted]



73	Drug Court Fund.....	[Deleted]
74	Judicial Performance Fund.....	[Deleted]
75	Capital Defense Counsel Fund.....	[Deleted]
76	Indigent Appeals Fund.....	[Deleted]
77	Capital Post-Conviction Counsel Fund.....	[Deleted]
78	Victims of Domestic Violence Fund.....	[Deleted]
79	Public Defenders Education Fund.....	[Deleted]
80	Domestic Violence Training Fund.....	[Deleted]
81	Attorney General's Cyber Crime Unit.....	[Deleted]
82	Children's Safe Center Fund.....	[Deleted]
83	DuBard School for Language Disorders Fund.....	[Deleted]
84	Children's Advocacy Centers Fund.....	[Deleted]
85	Judicial System Operation Fund.....	[Deleted]
86	GENERAL FUND.....	\$ 90.50
87	<u>MISSISSIPPI HIGHWAY SAFETY PATROL SUPPORT FUND.....</u>	<u>\$ 9.05</u>

88 (2) **Implied Consent Law violations.** In addition to any
89 monetary penalties and any other penalties imposed by law, there
90 shall be imposed and collected the following state assessment from
91 each person upon whom a court imposes a fine or any other penalty
92 for any violation of the Mississippi Implied Consent Law (Section
93 63-11-1 et seq.):

94	FUND	AMOUNT
95	Crime Victims' Compensation Fund.....	[Deleted]
96	State Court Education Fund.....	[Deleted]
97	State Prosecutor Education Fund.....	[Deleted]



98 Vulnerable Persons Training,
99 Investigation and Prosecution Trust Fund.....[Deleted]
100 Child Support Prosecution Trust Fund.....[Deleted]
101 Driver Training Penalty Assessment Fund.....[Deleted]
102 Law Enforcement Officers Training Fund.....[Deleted]
103 Emergency Medical Services Operating Fund.....[Deleted]
104 Mississippi Alcohol Safety Education Program Fund.....[Deleted]
105 Federal-State Alcohol Program Fund.....[Deleted]
106 Mississippi Forensics Laboratory
107 Implied Consent Law Fund.....[Deleted]
108 Spinal Cord and Head Injury Trust Fund.....[Deleted]
109 Capital Defense Counsel Fund.....[Deleted]
110 Indigent Appeals Fund.....[Deleted]
111 Capital Post-Conviction Counsel Fund.....[Deleted]
112 Victims of Domestic Violence Fund.....[Deleted]
113 Law Enforcement Officers and Fire Fighters
114 Death Benefits Trust Fund.....[Deleted]
115 Law Enforcement Officers and Fire Fighters
116 Disability Benefits Trust Fund.....[Deleted]
117 State Prosecutor Compensation Fund for the purpose
118 of providing additional compensation for
119 district attorneys and their legal assistants.....[Deleted]
120 Crisis Intervention Mental Health Fund.....[Deleted]
121 Drug Court Fund.....[Deleted]
122 Statewide Victims' Information and



123 Notification System Fund.....[Deleted]
 124 Public Defenders Education Fund.....[Deleted]
 125 Domestic Violence Training Fund.....[Deleted]
 126 Attorney General's Cyber Crime Unit.....[Deleted]
 127 GENERAL FUND.....\$ 243.50
 128 MISSISSIPPI HIGHWAY SAFETY PATROL SUPPORT FUND.....\$ 24.35

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

135 FUND	AMOUNT
136 State Court Education Fund.....	[Deleted]
137 State Prosecutor Education Fund.....	[Deleted]
138 Vulnerable Persons Training, 139 Investigation and Prosecution Trust Fund.....	[Deleted]
140 Law Enforcement Officers Training Fund.....	[Deleted]
141 Hunter Education and Training Program Fund.....	[Deleted]
142 Law Enforcement Officers and Fire Fighters 143 Death Benefits Trust Fund.....	[Deleted]
144 Law Enforcement Officers and Fire Fighters 145 Disability Benefits Trust Fund.....	[Deleted]
146 State Prosecutor Compensation Fund for the purpose 147 of providing additional compensation for district	



148 attorneys and their legal assistants.....[Deleted]
 149 Crisis Intervention Mental Health Fund.....[Deleted]
 150 Drug Court Fund.....[Deleted]
 151 Capital Defense Counsel Fund.....[Deleted]
 152 Indigent Appeals Fund.....[Deleted]
 153 Capital Post-Conviction Counsel Fund.....[Deleted]
 154 Victims of Domestic Violence Fund.....[Deleted]
 155 Public Defenders Education Fund.....[Deleted]
 156 Domestic Violence Training Fund.....[Deleted]
 157 Attorney General's Cyber Crime Unit.....[Deleted]
 158 GENERAL FUND.....\$ 89.00
 159 MISSISSIPPI HIGHWAY SAFETY PATROL SUPPORT FUND.....\$ 8.90
 160 (4) [Deleted]
 161 (5) **Speeding, reckless and careless driving violations.** In
 162 addition to any assessment imposed under subsection (1) or (2) of
 163 this section, there shall be imposed and collected the following
 164 state assessment from each person upon whom a court imposes a fine
 165 or other penalty for driving a vehicle on a road or highway:
 166 (a) At a speed that exceeds the posted speed limit by
 167 at least ten (10) miles per hour but not more than twenty (20)
 168 miles per hour.....\$10.00
 169 (b) At a speed that exceeds the posted speed limit by
 170 at least twenty (20) miles per hour but not more than thirty (30)
 171 miles per hour.....\$20.00



172 (c) At a speed that exceeds the posted speed limit by
173 thirty (30) miles per hour or more.....\$30.00

174 (d) In violation of Section 63-3-1201, which is the
175 offense of reckless driving.....\$10.00

176 (e) In violation of Section 63-3-1213, which is the
177 offense of careless driving.....\$10.00

178 All assessments collected under this subsection shall be
179 deposited into the State General Fund.

180 (6) **Other misdemeanors.** In addition to any monetary
181 penalties and any other penalties imposed by law, there shall be
182 imposed and collected the following state assessment from each
183 person upon whom a court imposes a fine or other penalty for any
184 misdemeanor violation not specified in subsection (1), (2) or (3)
185 of this section, except offenses relating to vehicular parking or
186 registration:

187 FUND	AMOUNT
188 Crime Victims' Compensation Fund.....	[\$Deleted]
189 State Court Education Fund.....	[Deleted]
190 State Prosecutor Education Fund.....	[Deleted]
191 Vulnerable Persons Training, Investigation 192 and Prosecution Trust Fund.....	[Deleted]
193 Child Support Prosecution Trust Fund.....	[Deleted]
194 Law Enforcement Officers Training Fund.....	[Deleted]
195 Capital Defense Counsel Fund.....	[Deleted]
196 Indigent Appeals Fund.....	[Deleted]



197 Capital Post-Conviction Counsel Fund.....[Deleted]
 198 Victims of Domestic Violence Fund.....[Deleted]
 199 State Crime Stoppers Fund.....[Deleted]
 200 Law Enforcement Officers and Fire Fighters
 201 Death Benefits Trust Fund.....[Deleted]
 202 Law Enforcement Officers and Fire Fighters
 203 Disability Benefits Trust Fund.....[Deleted]
 204 State Prosecutor Compensation Fund for the purpose
 205 of providing additional compensation for
 206 district attorneys and their legal assistants.....[Deleted]
 207 Crisis Intervention Mental Health Fund.....[Deleted]
 208 Drug Court Fund.....[Deleted]
 209 Judicial Performance Fund.....[Deleted]
 210 Statewide Victims' Information and
 211 Notification System Fund.....[Deleted]
 212 Public Defenders Education Fund.....[Deleted]
 213 Domestic Violence Training Fund.....[Deleted]
 214 Attorney General's Cyber Crime Unit.....[Deleted]
 215 Information Exchange Network Fund.....[Deleted]
 216 Motorcycle Officer Training Fund.....[Deleted]
 217 Civil Legal Assistance Fund.....[Deleted]
 218 Justice Court Collections Fund.....[Deleted]
 219 Municipal Court Collections Fund.....[Deleted]
 220 GENERAL FUND.....\$121.75
 221 MISSISSIPPI HIGHWAY SAFETY PATROL SUPPORT FUND.....\$ 12.18



222 (7) **Other felonies.** In addition to any monetary penalties
223 and any other penalties imposed by law, there shall be imposed and
224 collected the following state assessment from each person upon
225 whom a court imposes a fine or other penalty for any felony
226 violation not specified in subsection (1), (2) or (3) of this
227 section:

228	FUND	AMOUNT
229	Crime Victims' Compensation Fund.....	.\$[Deleted]
230	State Court Education Fund.....	[Deleted]
231	State Prosecutor Education Fund.....	[Deleted]
232	Vulnerable Persons Training, Investigation	
233	and Prosecution Trust Fund.....	[Deleted]
234	Child Support Prosecution Trust Fund.....	[Deleted]
235	Law Enforcement Officers Training Fund.....	[Deleted]
236	Capital Defense Counsel Fund.....	[Deleted]
237	Indigent Appeals Fund.....	[Deleted]
238	Capital Post-Conviction Counsel Fund.....	[Deleted]
239	Victims of Domestic Violence Fund.....	[Deleted]
240	Criminal Justice Fund.....	[Deleted]
241	Law Enforcement Officers and Fire Fighters	
242	Death Benefits Trust Fund.....	[Deleted]
243	Law Enforcement Officers and Fire Fighters	
244	Disability Benefits Trust Fund.....	[Deleted]
245	State Prosecutor Compensation Fund for the purpose	
246	of providing additional compensation for	



247 district attorneys and their legal assistants.....[Deleted]
 248 Crisis Intervention Mental Health Fund.....[Deleted]
 249 Drug Court Fund.....[Deleted]
 250 Statewide Victims' Information and
 251 Notification System Fund.....[Deleted]
 252 Public Defenders Education Fund.....[Deleted]
 253 Domestic Violence Training Fund.....[Deleted]
 254 Attorney General's Cyber Crime Unit.....[Deleted]
 255 Forensics Laboratory DNA Identification System Fund.....[Deleted]
 256 GENERAL FUND.....\$280.50
 257 MISSISSIPPI HIGHWAY SAFETY PATROL SUPPORT FUND.....\$ 28.05

258 (8) **Additional assessments on certain violations:**

259 (a) **Railroad crossing violations.** In addition to any
 260 monetary penalties and any other penalties imposed by law, there
 261 shall be imposed and collected the following state assessment in
 262 addition to all other state assessments due under this section
 263 from each person upon whom a court imposes a fine or other penalty
 264 for any violation involving railroad crossings under Section
 265 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

266 Operation Lifesaver Fund.....\$25.00

267 (b) **Drug violations.** In addition to any monetary
 268 penalties and any other penalties imposed by law, there shall be
 269 imposed and collected the following state assessment in addition
 270 to all other state assessments due under this section from each



271 person upon whom a court imposes a fine or other penalty for any
272 violation of Section 41-29-139:

273 Drug Evidence Disposition Fund.....\$25.00

274 (9) If a fine or other penalty imposed is suspended, in
275 whole or in part, such suspension shall not affect the state
276 assessment under this section. No state assessment imposed under
277 the provisions of this section may be suspended or reduced by the
278 court.

279 (10) (a) After a determination by the court of the amount
280 due, it shall be the duty of the clerk of the court to promptly
281 collect all state assessments imposed under the provisions of this
282 section. The state assessments imposed under the provisions of
283 this section may not be paid by personal check.

284 (b) It shall be the duty of the chancery clerk of each
285 county to deposit all state assessments collected in the circuit,
286 county and justice courts in the county on a monthly basis with
287 the State Treasurer pursuant to appropriate procedures established
288 by the State Auditor. The chancery clerk shall make a monthly
289 lump-sum deposit of the total state assessments collected in the
290 circuit, county and justice courts in the county under this
291 section, and shall report to the Department of Finance and
292 Administration the total number of violations under each
293 subsection for which state assessments were collected in the
294 circuit, county and justice courts in the county during that
295 month.



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

307 (11) It shall be the duty of the Department of Finance and
308 Administration to deposit on a monthly basis all state assessments
309 into the State General Fund or proper special fund in the State
310 Treasury. The Department of Finance and Administration shall
311 issue regulations providing for the proper allocation of these
312 funds.

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



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

323 **SECTION 3.** This act shall take effect and be in force from
324 and after July 1, 2018.

