

By: Representative Read

To: Appropriations

HOUSE BILL NO. 897

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT CERTAIN STATE ASSESSMENTS COLLECTED UNDER THIS
3 SECTION WILL BE DEPOSITED INTO DESIGNATED SPECIAL FUNDS INSTEAD OF
4 THE STATE GENERAL FUND; AND FOR RELATED PURPOSES.

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

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

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

16 FUND	AMOUNT
17 State Court Education Fund.....	[Deleted]
18 State Prosecutor Education Fund.....	[Deleted]
19 Vulnerable Persons Training,	



20 Investigation and Prosecution Trust Fund.....[Deleted]

21 Child Support Prosecution Trust Fund.....[Deleted]

22 Driver Training Penalty Assessment Fund.....[Deleted]

23 Law Enforcement Officers Training Fund.....[Deleted]

24 Spinal Cord and Head Injury Trust Fund

25 (for all moving violations)..... * * * \$5.45

26 Emergency Medical Services Operating Fund.....[Deleted]

27 Mississippi Leadership Council on Aging Fund.....[Deleted]

28 Law Enforcement Officers and Fire Fighters

29 Death Benefits Trust Fund.....[Deleted]

30 Law Enforcement Officers and Fire Fighters

31 Disability Benefits Trust Fund.....[Deleted]

32 State Prosecutor Compensation Fund for the purpose

33 of providing additional compensation for

34 district attorneys and their legal assistants.....[Deleted]

35 Crisis Intervention Mental Health Fund..... * * * \$10.00

36 Drug Court Fund.....[Deleted]

37 Judicial Performance Fund.....[Deleted]

38 Capital Defense Counsel Fund.....[Deleted]

39 Indigent Appeals Fund.....[Deleted]

40 Capital Post-Conviction Counsel Fund.....[Deleted]

41 Victims of Domestic Violence Fund.....[Deleted]

42 Public Defenders Education Fund.....[Deleted]

43 Domestic Violence Training Fund.....[Deleted]

44 Attorney General's Cyber Crime Unit.....[Deleted]



45 Children's Safe Center Fund.....[Deleted]
 46 DuBard School for Language Disorders Fund.....[Deleted]
 47 Children's Advocacy Centers Fund.....[Deleted]
 48 Judicial System Operation Fund.....[Deleted]
 49 State General Fund.....\$75.05
 50 * * * TOTAL STATE ASSESSMENT.....\$ 90.50

51 (2) **Implied Consent Law violations.** In addition to any
 52 monetary penalties and any other penalties imposed by law, there
 53 shall be imposed and collected the following state assessment from
 54 each person upon whom a court imposes a fine or any other penalty
 55 for any violation of the Mississippi Implied Consent Law (Section
 56 63-11-1 et seq.):

57 FUND	AMOUNT
58 Crime Victims' Compensation Fund.....	[Deleted]
59 State Court Education Fund.....	[Deleted]
60 State Prosecutor Education Fund.....	[Deleted]
61 Vulnerable Persons Training, 62 Investigation and Prosecution Trust Fund.....	[Deleted]
63 Child Support Prosecution Trust Fund.....	[Deleted]
64 Driver Training Penalty Assessment Fund.....	[Deleted]
65 Law Enforcement Officers Training Fund.....	[Deleted]
66 Emergency Medical Services Operating Fund.....	[Deleted]
67 Mississippi Alcohol Safety Education Program Fund.....	[Deleted]
68 Federal-State Alcohol Program Fund.....	[Deleted]
69 Mississippi Forensics Laboratory	



70 Implied Consent Law Fund.....[Deleted]

71 Spinal Cord and Head Injury Trust Fund..... * * * \$25.00

72 Capital Defense Counsel Fund.....[Deleted]

73 Indigent Appeals Fund.....[Deleted]

74 Capital Post-Conviction Counsel Fund.....[Deleted]

75 Victims of Domestic Violence Fund.....[Deleted]

76 Law Enforcement Officers and Fire Fighters

77 Death Benefits Trust Fund.....[Deleted]

78 Law Enforcement Officers and Fire Fighters

79 Disability Benefits Trust Fund.....[Deleted]

80 State Prosecutor Compensation Fund for the purpose

81 of providing additional compensation for

82 district attorneys and their legal assistants.....[Deleted]

83 Crisis Intervention Mental Health Fund..... * * * \$10.00

84 Drug Court Fund.....[Deleted]

85 Statewide Victims' Information and

86 Notification System Fund..... * * * \$6.00

87 Public Defenders Education Fund.....[Deleted]

88 Domestic Violence Training Fund.....[Deleted]

89 Attorney General's Cyber Crime Unit.....[Deleted]

90 State General Fund.....\$202.50

91 * * * TOTAL STATE ASSESSMENT.....\$ 243.50

92 (3) **Game and Fish Law violations.** In addition to any

93 monetary penalties and any other penalties imposed by law, there

94 shall be imposed and collected the following state assessment from



95 each person upon whom a court imposes a fine or other penalty for
96 any violation of the game and fish statutes or regulations of this
97 state:

98 FUND AMOUNT

99 State Court Education Fund..... [Deleted]

100 State Prosecutor Education Fund..... [Deleted]

101 Vulnerable Persons Training,

102 Investigation and Prosecution Trust Fund..... [Deleted]

103 Law Enforcement Officers Training Fund..... [Deleted]

104 Hunter Education and Training Program Fund..... * * * \$5.00

105 Law Enforcement Officers and Fire Fighters

106 Death Benefits Trust Fund..... [Deleted]

107 Law Enforcement Officers and Fire Fighters

108 Disability Benefits Trust Fund..... [Deleted]

109 State Prosecutor Compensation Fund for the purpose

110 of providing additional compensation for district

111 attorneys and their legal assistants..... [Deleted]

112 Crisis Intervention Mental Health Fund..... * * * \$10.00

113 Drug Court Fund..... [Deleted]

114 Capital Defense Counsel Fund..... [Deleted]

115 Indigent Appeals Fund..... [Deleted]

116 Capital Post-Conviction Counsel Fund..... [Deleted]

117 Victims of Domestic Violence Fund..... [Deleted]

118 Public Defenders Education Fund..... [Deleted]

119 Domestic Violence Training Fund..... [Deleted]



120 Attorney General's Cyber Crime Unit.....[Deleted]
121 State General Fund.....\$74.00
122 * * * TOTAL STATE ASSESSMENT.....\$ 89.00

123 (4) [Deleted]

124 (5) **Speeding, reckless and careless driving violations.** In
125 addition to any assessment imposed under subsection (1) or (2) of
126 this section, there shall be imposed and collected the following
127 state assessment from each person upon whom a court imposes a fine
128 or other penalty for driving a vehicle on a road or highway:

129 (a) At a speed that exceeds the posted speed limit by
130 at least ten (10) miles per hour but not more than twenty (20)
131 miles per hour.....\$10.00

132 (b) At a speed that exceeds the posted speed limit by
133 at least twenty (20) miles per hour but not more than thirty (30)
134 miles per hour.....\$20.00

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

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

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

141 All assessments collected under this subsection shall be
142 deposited into the State General Fund.

143 (6) **Other misdemeanors.** In addition to any monetary
144 penalties and any other penalties imposed by law, there shall be



145 imposed and collected the following state assessment from each
146 person upon whom a court imposes a fine or other penalty for any
147 misdemeanor violation not specified in subsection (1), (2) or (3)
148 of this section, except offenses relating to vehicular parking or
149 registration:

150	FUND	AMOUNT
151	Crime Victims' Compensation Fund.....	[\$Deleted]
152	State Court Education Fund.....	[Deleted]
153	State Prosecutor Education Fund.....	[Deleted]
154	Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	[Deleted]
155	Child Support Prosecution Trust Fund.....	[Deleted]
156	Law Enforcement Officers Training Fund.....	[Deleted]
157	Capital Defense Counsel Fund.....	[Deleted]
158	Indigent Appeals Fund.....	[Deleted]
159	Capital Post-Conviction Counsel Fund.....	[Deleted]
160	Victims of Domestic Violence Fund.....	[Deleted]
161	State Crime Stoppers Fund.....	[Deleted]
162	Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	[Deleted]
163	Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	[Deleted]
164	State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....	[Deleted]



170 Crisis Intervention Mental Health Fund..... * * * \$10.00
171 Drug Court Fund..... [Deleted]
172 Judicial Performance Fund..... [Deleted]
173 Statewide Victims' Information and
174 Notification System Fund..... * * * \$6.00
175 Public Defenders Education Fund..... [Deleted]
176 Domestic Violence Training Fund..... [Deleted]
177 Attorney General's Cyber Crime Unit..... [Deleted]
178 Information Exchange Network Fund..... [Deleted]
179 Motorcycle Officer Training Fund..... [Deleted]
180 Civil Legal Assistance Fund..... [Deleted]
181 Justice Court Collections Fund..... [Deleted]
182 Municipal Court Collections Fund..... [Deleted]
183 State General Fund.....\$105.75
184 * * * TOTAL STATE ASSESSMENT.....\$121.75

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

191 FUND	AMOUNT
192 Crime Victims' Compensation Fund.....	\$[Deleted]
193 State Court Education Fund.....	[Deleted]
194 State Prosecutor Education Fund.....	[Deleted]



195 Vulnerable Persons Training, Investigation
 196 and Prosecution Trust Fund.....[Deleted]
 197 Child Support Prosecution Trust Fund.....[Deleted]
 198 Law Enforcement Officers Training Fund.....[Deleted]
 199 Capital Defense Counsel Fund.....[Deleted]
 200 Indigent Appeals Fund.....[Deleted]
 201 Capital Post-Conviction Counsel Fund.....[Deleted]
 202 Victims of Domestic Violence Fund.....[Deleted]
 203 Criminal Justice Fund.....[Deleted]
 204 Law Enforcement Officers and Fire Fighters
 205 Death Benefits Trust Fund.....[Deleted]
 206 Law Enforcement Officers and Fire Fighters
 207 Disability Benefits Trust Fund.....[Deleted]
 208 State Prosecutor Compensation Fund for the purpose
 209 of providing additional compensation for
 210 district attorneys and their legal assistants.....[Deleted]
 211 Crisis Intervention Mental Health Fund..... * * * \$10.00
 212 Drug Court Fund.....[Deleted]
 213 Statewide Victims' Information and
 214 Notification System Fund..... * * * \$6.00
 215 Public Defenders Education Fund.....[Deleted]
 216 Domestic Violence Training Fund.....[Deleted]
 217 Attorney General's Cyber Crime Unit.....[Deleted]
 218 Forensics Laboratory DNA Identification System Fund.....[Deleted]
 219 State General Fund.....\$264.50



220 * * * TOTAL STATE ASSESSMENT.....\$280.50

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

222 (a) **Railroad crossing violations.** In addition to any
223 monetary penalties and any other penalties imposed by law, there
224 shall be imposed and collected the following state assessment in
225 addition to all other state assessments due under this section
226 from each person upon whom a court imposes a fine or other penalty
227 for any violation involving railroad crossings under Section
228 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

229 Operation Lifesaver Fund.....\$25.00

230 (b) **Drug violations.** In addition to any monetary
231 penalties and any other penalties imposed by law, there shall be
232 imposed and collected the following state assessment in addition
233 to all other state assessments due under this section from each
234 person upon whom a court imposes a fine or other penalty for any
235 violation of Section 41-29-139:

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

237 (9) If a fine or other penalty imposed is suspended, in
238 whole or in part, such suspension shall not affect the state
239 assessment under this section. No state assessment imposed under
240 the provisions of this section may be suspended or reduced by the
241 court.

242 (10) (a) After a determination by the court of the amount
243 due, it shall be the duty of the clerk of the court to promptly
244 collect all state assessments imposed under the provisions of this



245 section. The state assessments imposed under the provisions of
246 this section may not be paid by personal check.

247 (b) It shall be the duty of the chancery clerk of each
248 county to deposit all state assessments collected in the circuit,
249 county and justice courts in the county on a monthly basis with
250 the State Treasurer pursuant to appropriate procedures established
251 by the State Auditor. The chancery clerk shall make a monthly
252 lump-sum deposit of the total state assessments collected in the
253 circuit, county and justice courts in the county under this
254 section, and shall report to the Department of Finance and
255 Administration the total number of violations under each
256 subsection for which state assessments were collected in the
257 circuit, county and justice courts in the county during that
258 month.

259 (c) It shall be the duty of the municipal clerk of each
260 municipality to deposit all the state assessments collected in the
261 municipal court in the municipality on a monthly basis with the
262 State Treasurer pursuant to appropriate procedures established by
263 the State Auditor. The municipal clerk shall make a monthly
264 lump-sum deposit of the total state assessments collected in the
265 municipal court in the municipality under this section, and shall
266 report to the Department of Finance and Administration the total
267 number of violations under each subsection for which state
268 assessments were collected in the municipal court in the
269 municipality during that month.



270 (11) It shall be the duty of the Department of Finance and
271 Administration to deposit on a monthly basis all state assessments
272 into the State General Fund or proper special fund in the State
273 Treasury. The Department of Finance and Administration shall
274 issue regulations providing for the proper allocation of these
275 funds.

276 (12) The State Auditor shall establish by regulation
277 procedures for refunds of state assessments, including refunds
278 associated with assessments imposed before July 1, 1990, and
279 refunds after appeals in which the defendant's conviction is
280 reversed. The Auditor shall provide in the regulations for
281 certification of eligibility for refunds and may require the
282 defendant seeking a refund to submit a verified copy of a court
283 order or abstract by which the defendant is entitled to a refund.
284 All refunds of state assessments shall be made in accordance with
285 the procedures established by the Auditor.

286 **SECTION 2.** This act shall take effect and be in force from
287 and after July 1, 2018.

