

By: Representative Touchstone

To: Judiciary B

HOUSE BILL NO. 1061

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE GENERAL FUND AMOUNT FOR IMPLIED CONSENT LAW
3 VIOLATION ASSESSMENTS; AND FOR RELATED PURPOSES.

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

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

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

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



19 Investigation and Prosecution Trust Fund.....[Deleted]
20 Child Support Prosecution Trust Fund.....[Deleted]
21 Driver Training Penalty Assessment Fund.....[Deleted]
22 Law Enforcement Officers Training Fund.....[Deleted]
23 Spinal Cord and Head Injury Trust Fund
24 (for all moving violations).....[Deleted]
25 Emergency Medical Services Operating Fund.....[Deleted]
26 Mississippi Leadership Council on Aging Fund.....[Deleted]
27 Law Enforcement Officers and Fire Fighters
28 Death Benefits Trust Fund.....[Deleted]
29 Law Enforcement Officers and Fire Fighters
30 Disability Benefits Trust Fund.....[Deleted]
31 State Prosecutor Compensation Fund for the purpose
32 of providing additional compensation for
33 district attorneys and their legal assistants.....[Deleted]
34 Crisis Intervention Mental Health Fund.....[Deleted]
35 Drug Court Fund.....[Deleted]
36 Judicial Performance Fund.....[Deleted]
37 Capital Defense Counsel Fund.....[Deleted]
38 Indigent Appeals Fund.....[Deleted]
39 Capital Post-Conviction Counsel Fund.....[Deleted]
40 Victims of Domestic Violence Fund.....[Deleted]
41 Public Defenders Education Fund.....[Deleted]
42 Domestic Violence Training Fund.....[Deleted]
43 Attorney General's Cyber Crime Unit.....[Deleted]



44 Children's Safe Center Fund.....[Deleted]
 45 DuBard School for Language Disorders Fund.....[Deleted]
 46 Children's Advocacy Centers Fund.....[Deleted]
 47 Judicial System Operation Fund.....[Deleted]
 48 GENERAL FUND.....\$ 90.50

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

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



69 Spinal Cord and Head Injury Trust Fund.....[Deleted]
70 Capital Defense Counsel Fund.....[Deleted]
71 Indigent Appeals Fund.....[Deleted]
72 Capital Post-Conviction Counsel Fund.....[Deleted]
73 Victims of Domestic Violence Fund.....[Deleted]
74 Law Enforcement Officers and Fire Fighters
75 Death Benefits Trust Fund.....[Deleted]
76 Law Enforcement Officers and Fire Fighters
77 Disability Benefits Trust Fund.....[Deleted]
78 State Prosecutor Compensation Fund for the purpose
79 of providing additional compensation for
80 district attorneys and their legal assistants.....[Deleted]
81 Crisis Intervention Mental Health Fund.....[Deleted]
82 Drug Court Fund.....[Deleted]
83 Statewide Victims' Information and
84 Notification System Fund.....[Deleted]
85 Public Defenders Education Fund.....[Deleted]
86 Domestic Violence Training Fund.....[Deleted]
87 Attorney General's Cyber Crime Unit.....[Deleted]
88 GENERAL FUND.....\$ * * * 493.50

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



93 any violation of the game and fish statutes or regulations of this
94 state:

95 FUND AMOUNT

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

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

98 Vulnerable Persons Training,

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

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

101 Hunter Education and Training Program Fund..... [Deleted]

102 Law Enforcement Officers and Fire Fighters

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

104 Law Enforcement Officers and Fire Fighters

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

106 State Prosecutor Compensation Fund for the purpose

107 of providing additional compensation for district

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

109 Crisis Intervention Mental Health Fund..... [Deleted]

110 Drug Court Fund..... [Deleted]

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

112 Indigent Appeals Fund..... [Deleted]

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

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

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

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

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



118 GENERAL FUND.....\$ 89.00

119 (4) [Deleted]

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

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

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

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

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

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

137 All assessments collected under this subsection shall be
138 deposited into the State General Fund.

139 (6) **Other misdemeanors.** In addition to any monetary
140 penalties and any other penalties imposed by law, there shall be
141 imposed and collected the following state assessment from each
142 person upon whom a court imposes a fine or other penalty for any



143 misdemeanor violation not specified in subsection (1), (2) or (3)
144 of this section, except offenses relating to vehicular parking or
145 registration:

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



168 Judicial Performance Fund.....[Deleted]
 169 Statewide Victims' Information and
 170 Notification System Fund.....[Deleted]
 171 Public Defenders Education Fund.....[Deleted]
 172 Domestic Violence Training Fund.....[Deleted]
 173 Attorney General's Cyber Crime Unit.....[Deleted]
 174 Information Exchange Network Fund.....[Deleted]
 175 Motorcycle Officer Training Fund.....[Deleted]
 176 Civil Legal Assistance Fund.....[Deleted]
 177 Justice Court Collections Fund.....[Deleted]
 178 Municipal Court Collections Fund.....[Deleted]
 179 GENERAL FUND.....\$121.75

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

186 FUND	AMOUNT
187 Crime Victims' Compensation Fund.....	[Deleted]
188 State Court Education Fund.....	[Deleted]
189 State Prosecutor Education Fund.....	[Deleted]
190 Vulnerable Persons Training, Investigation 191 and Prosecution Trust Fund.....	[Deleted]
192 Child Support Prosecution Trust Fund.....	[Deleted]



193 Law Enforcement Officers Training Fund.....[Deleted]
 194 Capital Defense Counsel Fund.....[Deleted]
 195 Indigent Appeals Fund.....[Deleted]
 196 Capital Post-Conviction Counsel Fund.....[Deleted]
 197 Victims of Domestic Violence Fund.....[Deleted]
 198 Criminal Justice Fund.....[Deleted]
 199 Law Enforcement Officers and Fire Fighters
 200 Death Benefits Trust Fund.....[Deleted]
 201 Law Enforcement Officers and Fire Fighters
 202 Disability Benefits Trust Fund.....[Deleted]
 203 State Prosecutor Compensation Fund for the purpose
 204 of providing additional compensation for
 205 district attorneys and their legal assistants.....[Deleted]
 206 Crisis Intervention Mental Health Fund.....[Deleted]
 207 Drug Court Fund.....[Deleted]
 208 Statewide Victims' Information and
 209 Notification System Fund.....[Deleted]
 210 Public Defenders Education Fund.....[Deleted]
 211 Domestic Violence Training Fund.....[Deleted]
 212 Attorney General's Cyber Crime Unit.....[Deleted]
 213 Forensics Laboratory DNA Identification System Fund.....[Deleted]
 214 GENERAL FUND.....\$280.50

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

216 (a) **Railroad crossing violations.** In addition to any
 217 monetary penalties and any other penalties imposed by law, there



218 shall be imposed and collected the following state assessment in
219 addition to all other state assessments due under this section
220 from each person upon whom a court imposes a fine or other penalty
221 for any violation involving railroad crossings under Section
222 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

223 Operation Lifesaver Fund.....\$25.00

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

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

231 (9) If a fine or other penalty imposed is suspended, in
232 whole or in part, such suspension shall not affect the state
233 assessment under this section. No state assessment imposed under
234 the provisions of this section may be suspended or reduced by the
235 court.

236 (10) (a) After a determination by the court of the amount
237 due, it shall be the duty of the clerk of the court to promptly
238 collect all state assessments imposed under the provisions of this
239 section. The state assessments imposed under the provisions of
240 this section may not be paid by personal check.

241 (b) It shall be the duty of the chancery clerk of each
242 county to deposit all state assessments collected in the circuit,



243 county and justice courts in the county on a monthly basis with
244 the State Treasurer pursuant to appropriate procedures established
245 by the State Auditor. The chancery clerk shall make a monthly
246 lump-sum deposit of the total state assessments collected in the
247 circuit, county and justice courts in the county under this
248 section, and shall report to the Department of Finance and
249 Administration the total number of violations under each
250 subsection for which state assessments were collected in the
251 circuit, county and justice courts in the county during that
252 month.

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

264 (11) It shall be the duty of the Department of Finance and
265 Administration to deposit on a monthly basis all state assessments
266 into the State General Fund or proper special fund in the State
267 Treasury. The Department of Finance and Administration shall



268 issue regulations providing for the proper allocation of these
269 funds.

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

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

