

By: Representative Watson

To: Judiciary A; Ways and Means

HOUSE BILL NO. 1298

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE AN ASSESSMENT ON CERTAIN FINES FOR THE PURPOSE OF
3 PROVIDING FUNDING FOR MISSISSIPPI LEGAL SERVICES; AND FOR RELATED
4 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).....[Deleted]
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.....[Deleted]
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 GENERAL FUND.....\$ 90.50
 50 Mississippi Legal Services Fund.....1.00

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.....[Deleted]
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.....[Deleted]
84 Drug Court Fund.....[Deleted]
85 Statewide Victims' Information and
86 Notification System Fund.....[Deleted]
87 Public Defenders Education Fund.....[Deleted]
88 Domestic Violence Training Fund.....[Deleted]
89 Attorney General's Cyber Crime Unit.....[Deleted]
90 GENERAL FUND.....\$ 243.50
91 Mississippi Legal Services Fund.....1.00

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..... [Deleted]

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..... [Deleted]

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 GENERAL FUND.....\$ 89.00

122 (4) [Deleted]

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

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

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

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

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

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

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

142 (6) **Other misdemeanors.** In addition to any monetary
143 penalties and any other penalties imposed by law, there shall be
144 imposed and collected the following state assessment from each



145 person upon whom a court imposes a fine or other penalty for any
146 misdemeanor violation not specified in subsection (1), (2) or (3)
147 of this section, except offenses relating to vehicular parking or
148 registration:

149	FUND	AMOUNT
150	Crime Victims' Compensation Fund.....	[Deleted]
151	State Court Education Fund.....	[Deleted]
152	State Prosecutor Education Fund.....	[Deleted]
153	Vulnerable Persons Training, Investigation	
154	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	
163	Death Benefits Trust Fund.....	[Deleted]
164	Law Enforcement Officers and Fire Fighters	
165	Disability Benefits Trust Fund.....	[Deleted]
166	State Prosecutor Compensation Fund for the purpose	
167	of providing additional compensation for	
168	district attorneys and their legal assistants.....	[Deleted]
169	Crisis Intervention Mental Health Fund.....	[Deleted]



170 Drug Court Fund..... [Deleted]
 171 Judicial Performance Fund..... [Deleted]
 172 Statewide Victims' Information and
 173 Notification System Fund..... [Deleted]
 174 Public Defenders Education Fund..... [Deleted]
 175 Domestic Violence Training Fund..... [Deleted]
 176 Attorney General's Cyber Crime Unit..... [Deleted]
 177 Information Exchange Network Fund..... [Deleted]
 178 Motorcycle Officer Training Fund..... [Deleted]
 179 Civil Legal Assistance Fund..... [Deleted]
 180 Justice Court Collections Fund..... [Deleted]
 181 Municipal Court Collections Fund..... [Deleted]
 182 GENERAL FUND.....\$ 121.75
 183 Mississippi Legal Services Fund.....1.00

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

190 FUND	AMOUNT
191 Crime Victims' Compensation Fund.....	[Deleted]
192 State Court Education Fund.....	[Deleted]
193 State Prosecutor Education Fund.....	[Deleted]
194 Vulnerable Persons Training, Investigation	



195 and Prosecution Trust Fund.....[Deleted]

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

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

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

199 Indigent Appeals Fund.....[Deleted]

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

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

202 Criminal Justice Fund.....[Deleted]

203 Law Enforcement Officers and Fire Fighters

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

205 Law Enforcement Officers and Fire Fighters

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

207 State Prosecutor Compensation Fund for the purpose

208 of providing additional compensation for

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

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

211 Drug Court Fund.....[Deleted]

212 Statewide Victims' Information and

213 Notification System Fund.....[Deleted]

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

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

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

217 Forensics Laboratory DNA Identification System Fund.....[Deleted]

218 GENERAL FUND.....\$ 280.50

219 Mississippi Legal Services Fund.....1.00



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

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

228 Operation Lifesaver Fund.....\$ 25.00

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

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

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

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



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

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

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



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

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

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

