

By: Representative Ladner

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 100

1 AN ACT TO AMEND SECTION 37-26-11, MISSISSIPPI CODE OF 1972,
2 TO ESTABLISH THE "MISSISSIPPI FOSTER CARE FUND" IN THE OFFICE OF
3 ATTORNEY GENERAL AND AUTHORIZE EXPENDITURES FOR THE SUPPORT OF ANY
4 LICENSED OR CERTIFIED NONPROFIT FOSTER FAMILY/FOSTER CHILDREN
5 PROGRAM IN THE STATE; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE
6 OF 1972, TO PROVIDE AN ADDITIONAL CRIMINAL ASSESSMENT ON DRUG AND
7 ALCOHOL MISDEMEANORS AND FELONIES FOR THE MISSISSIPPI FOSTER CARE
8 FUND TO BE USED FOR SUCH FOSTER CHILDREN PROGRAMS; AND FOR RELATED
9 PURPOSES.

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

11 **SECTION 1.** Section 37-26-11, Mississippi Code of 1972, is
12 amended as follows:

13 37-26-11. (1) There is created in the State Treasury a
14 special fund to be known as the Children's Advocacy Centers Fund,
15 which shall be administered by the Office of the Attorney General.
16 The purpose of the fund shall be for training forensic
17 interviewers in child abuse and child sexual abuse cases, training
18 law enforcement officers and prosecutors about child abuse cases,
19 expanding the number of Children's Advocacy Centers of Mississippi
20 to underserved areas, and other related purposes. Monies in the
21 fund shall be expended by the Attorney General, upon appropriation



22 by the Legislature. The fund shall be a continuing fund, not
23 subject to fiscal-year limitations, and shall consist of:

24 (a) Monies appropriated by the Legislature for the
25 purposes of funding the Children's Advocacy Centers of
26 Mississippi;

27 (b) The interest accruing to the fund;

28 (c) Monies received under the provisions of Section
29 99-19-73;

30 (d) Monies received from the federal government;

31 (e) Donations; and

32 (f) Monies received from such other sources as may be
33 provided by law.

34 (2) There is created in the State Treasury a special fund to
35 be known as the Mississippi Foster Care Fund, which shall be
36 administered by the Office of the Attorney General. The purpose
37 of the fund shall be for supporting the services directly provided
38 by licensed or certified 501(c)(3) programs to foster families and
39 foster children, and other related purposes. Monies in the fund
40 shall be expended by the Attorney General, upon appropriation by
41 the Legislature. The fund shall be a continuing fund, not subject
42 to fiscal-year limitations, and shall consist of:

43 (a) Monies appropriated by the Legislature for the
44 purposes of funding the Mississippi Foster Care Fund;

45 (b) The interest accruing to the fund;



46 (c) Monies received under the provisions of Section
47 99-19-73 and dedicated for the support of foster families and
48 foster children, ninety percent (90%) of which shall be used
49 directly for grants to qualified nonprofit programs, and no more
50 than ten percent (10%) of which shall be used for administrative
51 purposes;

52 (d) Monies received from the federal government;

53 (e) Donations; and

54 (f) Monies received from such other sources as may be
55 provided by law.

56 (* * *3) From and after July 1, 2016, the expenses of the
57 Children's Advocacy Centers Fund Program and the Mississippi
58 Foster Care Fund Program shall be defrayed by appropriation from
59 the State General Fund and all user charges and fees authorized
60 under this section shall be deposited into the State General Fund
61 as authorized by law and as determined by the State Fiscal
62 Officer.

63 (* * *4) From and after July 1, 2016, no state agency shall
64 charge another state agency a fee, assessment, rent or other
65 charge for services or resources received by authority of this
66 section.

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

69 99-19-73. (1) **Traffic violations.** In addition to any
70 monetary penalties and any other penalties imposed by law, there



71 shall be imposed and collected the following state assessment from
72 each person upon whom a court imposes a fine or other penalty for
73 any violation in Title 63, Mississippi Code of 1972, except
74 offenses relating to the Mississippi Implied Consent Law (Section
75 63-11-1 et seq.) and offenses relating to vehicular parking or
76 registration:

77	FUND	AMOUNT
78	State Court Education Fund.....	[Deleted]
79	State Prosecutor Education Fund.....	[Deleted]
80	Vulnerable Persons Training,	
81	Investigation and Prosecution Trust Fund.....	[Deleted]
82	Child Support Prosecution Trust Fund.....	[Deleted]
83	Driver Training Penalty Assessment Fund.....	[Deleted]
84	Law Enforcement Officers Training Fund.....	[Deleted]
85	Spinal Cord and Head Injury Trust Fund	
86	(for all moving violations).....	[Deleted]
87	Emergency Medical Services Operating Fund.....	[Deleted]
88	Mississippi Leadership Council on Aging Fund.....	[Deleted]
89	Law Enforcement Officers and Fire Fighters	
90	Death Benefits Trust Fund.....	[Deleted]
91	Law Enforcement Officers and Fire Fighters	
92	Disability Benefits Trust Fund.....	[Deleted]
93	State Prosecutor Compensation Fund for the purpose	
94	of providing additional compensation for	
95	district attorneys and their legal assistants.....	[Deleted]



96 Crisis Intervention Mental Health Fund.....[Deleted]
 97 Drug Court Fund.....[Deleted]
 98 Judicial Performance Fund.....[Deleted]
 99 Capital Defense Counsel Fund.....[Deleted]
 100 Indigent Appeals Fund.....[Deleted]
 101 Capital Post-Conviction Counsel Fund.....[Deleted]
 102 Victims of Domestic Violence Fund.....[Deleted]
 103 Public Defenders Education Fund.....[Deleted]
 104 Domestic Violence Training Fund.....[Deleted]
 105 Attorney General's Cyber Crime Unit.....[Deleted]
 106 Children's Safe Center Fund.....[Deleted]
 107 DuBard School for Language Disorders Fund.....[Deleted]
 108 Children's Advocacy Centers Fund.....[Deleted]
 109 Judicial System Operation Fund.....[Deleted]
 110 GENERAL FUND.....\$ 90.50

111 (2) **Implied Consent Law violations.** In addition to any
 112 monetary penalties and any other penalties imposed by law, there
 113 shall be imposed and collected the following state assessment from
 114 each person upon whom a court imposes a fine or any other penalty
 115 for any violation of the Mississippi Implied Consent Law (Section
 116 63-11-1 et seq.):

117 FUND	AMOUNT
118 Crime Victims' Compensation Fund.....	[Deleted]
119 State Court Education Fund.....	[Deleted]
120 State Prosecutor Education Fund.....	[Deleted]



121 Vulnerable Persons Training,
122 Investigation and Prosecution Trust Fund.....[Deleted]
123 Child Support Prosecution Trust Fund.....[Deleted]
124 Driver Training Penalty Assessment Fund.....[Deleted]
125 Law Enforcement Officers Training Fund.....[Deleted]
126 Emergency Medical Services Operating Fund.....[Deleted]
127 Mississippi Alcohol Safety Education Program Fund.....[Deleted]
128 Federal-State Alcohol Program Fund.....[Deleted]
129 Mississippi Forensics Laboratory
130 Implied Consent Law Fund.....[Deleted]
131 Spinal Cord and Head Injury Trust Fund.....[Deleted]
132 Capital Defense Counsel Fund.....[Deleted]
133 Indigent Appeals Fund.....[Deleted]
134 Capital Post-Conviction Counsel Fund.....[Deleted]
135 Victims of Domestic Violence Fund.....[Deleted]
136 Law Enforcement Officers and Fire Fighters
137 Death Benefits Trust Fund.....[Deleted]
138 Law Enforcement Officers and Fire Fighters
139 Disability Benefits Trust Fund.....[Deleted]
140 State Prosecutor Compensation Fund for the purpose
141 of providing additional compensation for
142 district attorneys and their legal assistants.....[Deleted]
143 Crisis Intervention Mental Health Fund.....[Deleted]
144 Drug Court Fund.....[Deleted]
145 Statewide Victims' Information and



146 Notification System Fund.....[Deleted]
147 Public Defenders Education Fund.....[Deleted]
148 Domestic Violence Training Fund.....[Deleted]
149 Attorney General's Cyber Crime Unit.....[Deleted]
150 Mississippi Foster Care Fund.....[Deleted]

151 GENERAL FUND.....\$ * * * 245.50

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

158 FUND	AMOUNT
159 State Court Education Fund.....	[Deleted]
160 State Prosecutor Education Fund.....	[Deleted]
161 Vulnerable Persons Training, 162 Investigation and Prosecution Trust Fund.....	[Deleted]
163 Law Enforcement Officers Training Fund.....	[Deleted]
164 Hunter Education and Training Program Fund.....	[Deleted]
165 Law Enforcement Officers and Fire Fighters 166 Death Benefits Trust Fund.....	[Deleted]
167 Law Enforcement Officers and Fire Fighters 168 Disability Benefits Trust Fund.....	[Deleted]
169 State Prosecutor Compensation Fund for the purpose 170 of providing additional compensation for district	



171 attorneys and their legal assistants.....[Deleted]
 172 Crisis Intervention Mental Health Fund.....[Deleted]
 173 Drug Court Fund.....[Deleted]
 174 Capital Defense Counsel Fund.....[Deleted]
 175 Indigent Appeals Fund.....[Deleted]
 176 Capital Post-Conviction Counsel Fund.....[Deleted]
 177 Victims of Domestic Violence Fund.....[Deleted]
 178 Public Defenders Education Fund.....[Deleted]
 179 Domestic Violence Training Fund.....[Deleted]
 180 Attorney General's Cyber Crime Unit.....[Deleted]

181 GENERAL FUND.....\$ 89.00

182 (4) [Deleted]

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

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

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

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



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

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

200 All assessments collected under this subsection shall be
201 deposited into the State General Fund.

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

209 FUND	AMOUNT
210 Crime Victims' Compensation Fund.....	[\$Deleted]
211 State Court Education Fund.....	[Deleted]
212 State Prosecutor Education Fund.....	[Deleted]
213 Vulnerable Persons Training, Investigation 214 and Prosecution Trust Fund.....	[Deleted]
215 Child Support Prosecution Trust Fund.....	[Deleted]
216 Law Enforcement Officers Training Fund.....	[Deleted]
217 Capital Defense Counsel Fund.....	[Deleted]
218 Indigent Appeals Fund.....	[Deleted]
219 Capital Post-Conviction Counsel Fund.....	[Deleted]
220 Victims of Domestic Violence Fund.....	[Deleted]



221 State Crime Stoppers Fund..... [Deleted]

222 Law Enforcement Officers and Fire Fighters

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

224 Law Enforcement Officers and Fire Fighters

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

226 State Prosecutor Compensation Fund for the purpose

227 of providing additional compensation for

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

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

230 Drug Court Fund..... [Deleted]

231 Judicial Performance Fund..... [Deleted]

232 Statewide Victims' Information and

233 Notification System Fund..... [Deleted]

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

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

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

237 Information Exchange Network Fund..... [Deleted]

238 Motorcycle Officer Training Fund..... [Deleted]

239 Civil Legal Assistance Fund..... [Deleted]

240 Justice Court Collections Fund..... [Deleted]

241 Municipal Court Collections Fund..... [Deleted]

242 GENERAL FUND.....\$121.75

243 (7) **Other felonies.** In addition to any monetary penalties

244 and any other penalties imposed by law, there shall be imposed and

245 collected the following state assessment from each person upon



246 whom a court imposes a fine or other penalty for any felony
247 violation not specified in subsection (1), (2) or (3) of this
248 section:

249	FUND	AMOUNT
250	Crime Victims' Compensation Fund.....	.\$[Deleted]
251	State Court Education Fund.....	[Deleted]
252	State Prosecutor Education Fund.....	[Deleted]
253	Vulnerable Persons Training, Investigation	
254	and Prosecution Trust Fund.....	[Deleted]
255	Child Support Prosecution Trust Fund.....	[Deleted]
256	Law Enforcement Officers Training Fund.....	[Deleted]
257	Capital Defense Counsel Fund.....	[Deleted]
258	Indigent Appeals Fund.....	[Deleted]
259	Capital Post-Conviction Counsel Fund.....	[Deleted]
260	Victims of Domestic Violence Fund.....	[Deleted]
261	Criminal Justice Fund.....	[Deleted]
262	Law Enforcement Officers and Fire Fighters	
263	Death Benefits Trust Fund.....	[Deleted]
264	Law Enforcement Officers and Fire Fighters	
265	Disability Benefits Trust Fund.....	[Deleted]
266	State Prosecutor Compensation Fund for the purpose	
267	of providing additional compensation for	
268	district attorneys and their legal assistants.....	[Deleted]
269	Crisis Intervention Mental Health Fund.....	[Deleted]
270	Drug Court Fund.....	[Deleted]



271 Statewide Victims' Information and
272 Notification System Fund.....[Deleted]
273 Public Defenders Education Fund.....[Deleted]
274 Domestic Violence Training Fund.....[Deleted]
275 Attorney General's Cyber Crime Unit.....[Deleted]
276 Forensics Laboratory DNA Identification System Fund.....[Deleted]
277 GENERAL FUND.....\$280.50
278 (8) **Additional assessments on certain violations:**
279 (a) **Railroad crossing violations.** In addition to any
280 monetary penalties and any other penalties imposed by law, there
281 shall be imposed and collected the following state assessment in
282 addition to all other state assessments due under this section
283 from each person upon whom a court imposes a fine or other penalty
284 for any violation involving railroad crossings under Section
285 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:
286 Operation Lifesaver Fund.....\$25.00
287 (b) **Drug violations.** In addition to any monetary
288 penalties and any other penalties imposed by law, there shall be
289 imposed and collected the following state assessment in addition
290 to all other state assessments due under this section from each
291 person upon whom a court imposes a fine or other penalty for any
292 violation of Section 41-29-139:
293 Drug Evidence Disposition Fund.....\$25.00
294 Mississippi Foster Care Fund.....\$2.00



295 (c) **Motor vehicle liability insurance violations.** In
296 addition to any monetary penalties and any other penalties imposed
297 by law, there shall be imposed and collected the following state
298 assessment in addition to all other state assessments due under
299 this section from each person upon whom a court imposes a fine or
300 other penalty for any violation of Section 63-15-4(4) or Section
301 63-16-13(1):

302 Uninsured Motorist Identification Fund:

303 First offense.....\$200.00

304 Second offense.....\$300.00

305 Third or subsequent offense.....\$400.00

306 (9) If a fine or other penalty imposed is suspended, in
307 whole or in part, such suspension shall not affect the state
308 assessment under this section. No state assessment imposed under
309 the provisions of this section may be suspended or reduced by the
310 court.

311 (10) (a) After a determination by the court of the amount
312 due, it shall be the duty of the clerk of the court to promptly
313 collect all state assessments imposed under the provisions of this
314 section. The state assessments imposed under the provisions of
315 this section may not be paid by personal check.

316 (b) It shall be the duty of the chancery clerk of each
317 county to deposit all state assessments collected in the circuit,
318 county and justice courts in the county on a monthly basis with
319 the State Treasurer pursuant to appropriate procedures established



320 by the State Auditor. The chancery clerk shall make a monthly
321 lump-sum deposit of the total state assessments collected in the
322 circuit, county and justice courts in the county under this
323 section, and shall report to the Department of Finance and
324 Administration the total number of violations under each
325 subsection for which state assessments were collected in the
326 circuit, county and justice courts in the county during that
327 month.

328 (c) It shall be the duty of the municipal clerk of each
329 municipality to deposit all the state assessments collected in the
330 municipal court in the municipality on a monthly basis with the
331 State Treasurer pursuant to appropriate procedures established by
332 the State Auditor. The municipal clerk shall make a monthly
333 lump-sum deposit of the total state assessments collected in the
334 municipal court in the municipality under this section, and shall
335 report to the Department of Finance and Administration the total
336 number of violations under each subsection for which state
337 assessments were collected in the municipal court in the
338 municipality during that month.

339 (11) It shall be the duty of the Department of Finance and
340 Administration to deposit on a monthly basis all state assessments
341 into the State General Fund or proper special fund in the State
342 Treasury. The Department of Finance and Administration shall
343 issue regulations providing for the proper allocation of these
344 funds.



345 (12) The State Auditor shall establish by regulation
346 procedures for refunds of state assessments, including refunds
347 associated with assessments imposed before July 1, 1990, and
348 refunds after appeals in which the defendant's conviction is
349 reversed. The Auditor shall provide in the regulations for
350 certification of eligibility for refunds and may require the
351 defendant seeking a refund to submit a verified copy of a court
352 order or abstract by which the defendant is entitled to a refund.
353 All refunds of state assessments shall be made in accordance with
354 the procedures established by the Auditor.

355 **SECTION 3.** This act shall take effect and be in force from
356 and after July 1, 2019.

