

By: Representative Johnson (87th)

To: Judiciary B

HOUSE BILL NO. 1445

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 (c) **Motor vehicle liability insurance violations.** In
232 addition to any monetary penalties and any other penalties imposed
233 by law, there shall be imposed and collected the following state
234 assessment in addition to all other state assessments due under
235 this section from each person upon whom a court imposes a fine or
236 other penalty for any violation of Section 63-15-4(4) or Section
237 63-16-13(1):

238 Uninsured Motorist Identification Fund:

239 First offense.....\$200.00

240 Second offense.....\$300.00

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



242 (9) If a fine or other penalty imposed is suspended, in
243 whole or in part, such suspension shall not affect the state
244 assessment under this section. No state assessment imposed under
245 the provisions of this section may be suspended or reduced by the
246 court.

247 (10) (a) After a determination by the court of the amount
248 due, it shall be the duty of the clerk of the court to promptly
249 collect all state assessments imposed under the provisions of this
250 section. The state assessments imposed under the provisions of
251 this section may not be paid by personal check.

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

264 (c) It shall be the duty of the municipal clerk of each
265 municipality to deposit all the state assessments collected in the
266 municipal court in the municipality on a monthly basis with the



267 State Treasurer pursuant to appropriate procedures established by
268 the State Auditor. The municipal clerk shall make a monthly
269 lump-sum deposit of the total state assessments collected in the
270 municipal court in the municipality under this section, and shall
271 report to the Department of Finance and Administration the total
272 number of violations under each subsection for which state
273 assessments were collected in the municipal court in the
274 municipality during that month.

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

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



291 **SECTION 2.** This act shall take effect and be in force from
292 and after July 1, 2019.

