

Senate Amendments to House Bill No. 1445

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. Section 99-19-73, Mississippi Code of 1972, is brought forward as follows:

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

FUND	AMOUNT
State Court Education Fund.....	[Deleted]
State Prosecutor Education Fund.....	[Deleted]
Vulnerable Persons Training,	
Investigation and Prosecution Trust Fund.....	[Deleted]
Child Support Prosecution Trust Fund.....	[Deleted]
Driver Training Penalty Assessment Fund.....	[Deleted]

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

47 GENERAL FUND.....\$ 90.50

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

54 FUND	AMOUNT
55 Crime Victims' Compensation Fund.....	[Deleted]
56 State Court Education Fund.....	[Deleted]
57 State Prosecutor Education Fund.....	[Deleted]
58 Vulnerable Persons Training,	
59 Investigation and Prosecution Trust Fund.....	[Deleted]
60 Child Support Prosecution Trust Fund.....	[Deleted]
61 Driver Training Penalty Assessment Fund.....	[Deleted]
62 Law Enforcement Officers Training Fund.....	[Deleted]
63 Emergency Medical Services Operating Fund.....	[Deleted]
64 Mississippi Alcohol Safety Education Program Fund.....	[Deleted]
65 Federal-State Alcohol Program Fund.....	[Deleted]
66 Mississippi Forensics Laboratory	
67 Implied Consent Law Fund.....	[Deleted]
68 Spinal Cord and Head Injury Trust Fund.....	[Deleted]
69 Capital Defense Counsel Fund.....	[Deleted]
70 Indigent Appeals Fund.....	[Deleted]
71 Capital Post-Conviction Counsel Fund.....	[Deleted]
72 Victims of Domestic Violence Fund.....	[Deleted]

73 Law Enforcement Officers and Fire Fighters
74 Death Benefits Trust Fund.....[Deleted]
75 Law Enforcement Officers and Fire Fighters
76 Disability Benefits Trust Fund.....[Deleted]
77 State Prosecutor Compensation Fund for the purpose
78 of providing additional compensation for
79 district attorneys and their legal assistants.....[Deleted]
80 Crisis Intervention Mental Health Fund.....[Deleted]
81 Drug Court Fund.....[Deleted]
82 Statewide Victims' Information and
83 Notification System Fund.....[Deleted]
84 Public Defenders Education Fund.....[Deleted]
85 Domestic Violence Training Fund.....[Deleted]
86 Attorney General's Cyber Crime Unit.....[Deleted]
87 GENERAL FUND.....\$ 243.50

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

94 FUND	AMOUNT
95 State Court Education Fund.....	[Deleted]
96 State Prosecutor Education Fund.....	[Deleted]
97 Vulnerable Persons Training,	
98 Investigation and Prosecution Trust Fund.....	[Deleted]

99 Law Enforcement Officers Training Fund.....[Deleted]
 100 Hunter Education and Training Program Fund.....[Deleted]
 101 Law Enforcement Officers and Fire Fighters
 102 Death Benefits Trust Fund.....[Deleted]
 103 Law Enforcement Officers and Fire Fighters
 104 Disability Benefits Trust Fund.....[Deleted]
 105 State Prosecutor Compensation Fund for the purpose
 106 of providing additional compensation for district
 107 attorneys and their legal assistants.....[Deleted]
 108 Crisis Intervention Mental Health Fund.....[Deleted]
 109 Drug Court Fund.....[Deleted]
 110 Capital Defense Counsel Fund.....[Deleted]
 111 Indigent Appeals Fund.....[Deleted]
 112 Capital Post-Conviction Counsel Fund.....[Deleted]
 113 Victims of Domestic Violence Fund.....[Deleted]
 114 Public Defenders Education Fund.....[Deleted]
 115 Domestic Violence Training Fund.....[Deleted]
 116 Attorney General's Cyber Crime Unit.....[Deleted]
 117 GENERAL FUND.....\$ 89.00

118 (4) [Deleted]

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

124 (a) At a speed that exceeds the posted speed limit by

125 at least ten (10) miles per hour but not more than twenty (20)
126 miles per hour.....\$10.00

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

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

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

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

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

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

145 FUND	AMOUNT
146 Crime Victims' Compensation Fund.....	[\$Deleted]
147 State Court Education Fund.....	[Deleted]
148 State Prosecutor Education Fund.....	[Deleted]
149 Vulnerable Persons Training, Investigation	
150 and Prosecution Trust Fund.....	[Deleted]

151 Child Support Prosecution Trust Fund.....[Deleted]
 152 Law Enforcement Officers Training Fund.....[Deleted]
 153 Capital Defense Counsel Fund.....[Deleted]
 154 Indigent Appeals Fund.....[Deleted]
 155 Capital Post-Conviction Counsel Fund.....[Deleted]
 156 Victims of Domestic Violence Fund.....[Deleted]
 157 State Crime Stoppers Fund.....[Deleted]
 158 Law Enforcement Officers and Fire Fighters
 159 Death Benefits Trust Fund.....[Deleted]
 160 Law Enforcement Officers and Fire Fighters
 161 Disability Benefits Trust Fund.....[Deleted]
 162 State Prosecutor Compensation Fund for the purpose
 163 of providing additional compensation for
 164 district attorneys and their legal assistants.....[Deleted]
 165 Crisis Intervention Mental Health Fund.....[Deleted]
 166 Drug Court Fund.....[Deleted]
 167 Judicial Performance Fund.....[Deleted]
 168 Statewide Victims' Information and
 169 Notification System Fund.....[Deleted]
 170 Public Defenders Education Fund.....[Deleted]
 171 Domestic Violence Training Fund.....[Deleted]
 172 Attorney General's Cyber Crime Unit.....[Deleted]
 173 Information Exchange Network Fund.....[Deleted]
 174 Motorcycle Officer Training Fund.....[Deleted]
 175 Civil Legal Assistance Fund.....[Deleted]
 176 Justice Court Collections Fund.....[Deleted]

177 Municipal Court Collections Fund.....[Deleted]
178 GENERAL FUND.....\$121.75
179 (7) **Other felonies.** In addition to any monetary penalties
180 and any other penalties imposed by law, there shall be imposed and
181 collected the following state assessment from each person upon
182 whom a court imposes a fine or other penalty for any felony
183 violation not specified in subsection (1), (2) or (3) of this
184 section:
185 FUND AMOUNT
186 Crime Victims' Compensation Fund.....\$[Deleted]
187 State Court Education Fund.....[Deleted]
188 State Prosecutor Education Fund.....[Deleted]
189 Vulnerable Persons Training, Investigation
190 and Prosecution Trust Fund.....[Deleted]
191 Child Support Prosecution Trust Fund.....[Deleted]
192 Law Enforcement Officers Training Fund.....[Deleted]
193 Capital Defense Counsel Fund.....[Deleted]
194 Indigent Appeals Fund.....[Deleted]
195 Capital Post-Conviction Counsel Fund.....[Deleted]
196 Victims of Domestic Violence Fund.....[Deleted]
197 Criminal Justice Fund.....[Deleted]
198 Law Enforcement Officers and Fire Fighters
199 Death Benefits Trust Fund.....[Deleted]
200 Law Enforcement Officers and Fire Fighters
201 Disability Benefits Trust Fund.....[Deleted]
202 State Prosecutor Compensation Fund for the purpose

203 of providing additional compensation for
204 district attorneys and their legal assistants.....[Deleted]
205 Crisis Intervention Mental Health Fund.....[Deleted]
206 Drug Court Fund.....[Deleted]
207 Statewide Victims' Information and
208 Notification System Fund.....[Deleted]
209 Public Defenders Education Fund.....[Deleted]
210 Domestic Violence Training Fund.....[Deleted]
211 Attorney General's Cyber Crime Unit.....[Deleted]
212 Forensics Laboratory DNA Identification System Fund.....[Deleted]
213 GENERAL FUND.....\$280.50

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

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

222 Operation Lifesaver Fund.....\$25.00

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

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

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

237 Uninsured Motorist Identification Fund:

238 First offense.....\$200.00

239 Second offense.....\$300.00

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

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

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

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

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

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

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO BRING FORWARD SECTION 99-19-73, MISSISSIPPI CODE OF
2 1972, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

SS36\HB1445A.J

Liz Welch
Secretary of the Senate