

**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:**

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

6           99-19-73. (1) **Traffic violations.** In addition to any  
7 monetary penalties and any other penalties imposed by law, there  
8 shall be imposed and collected the following state assessment from  
9 each person upon whom a court imposes a fine or other penalty for  
10 any violation in Title 63, Mississippi Code of 1972, except  
11 offenses relating to the Mississippi Implied Consent Law (Section  
12 63-11-1 et seq.) and offenses relating to vehicular parking or  
13 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

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

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

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