

By: Representative Bain

To: Judiciary B;
Appropriations

HOUSE BILL NO. 289

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A PORTION OF THE STATE ASSESSMENTS COLLECTED UNDER
3 THIS SECTION WILL BE DEPOSITED INTO THE LAW ENFORCEMENT OFFICERS
4 TRAINING FUND AND THE MISSISSIPPI FORENSICS LABORATORY IMPLIED
5 CONSENT LAW FUND AND DNA IDENTIFICATION SYSTEM FUND INSTEAD OF
6 INTO THE STATE GENERAL FUND; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 99-19-73, Mississippi Code of 1972, is
9 amended as follows:

10 99-19-73. (1) **Traffic violations.** In addition to any
11 monetary penalties and any other penalties imposed by law, there
12 shall be imposed and collected the following state assessment from
13 each person upon whom a court imposes a fine or other penalty for
14 any violation in Title 63, Mississippi Code of 1972, except
15 offenses relating to the Mississippi Implied Consent Law (Section
16 63-11-1 et seq.) and offenses relating to vehicular parking or
17 registration:

18	FUND	AMOUNT
19	State Court Education Fund.....	[Deleted]
20	State Prosecutor Education Fund.....	[Deleted]



21 Vulnerable Persons Training,
22 Investigation and Prosecution Trust Fund.....[Deleted]
23 Child Support Prosecution Trust Fund.....[Deleted]
24 Driver Training Penalty Assessment Fund.....[Deleted]
25 Law Enforcement Officers Training Fund..... * * *~~[Deleted]~~5.00
26 Spinal Cord and Head Injury Trust Fund
27 (for all moving violations).....[Deleted]
28 Emergency Medical Services Operating Fund.....[Deleted]
29 Mississippi Leadership Council on Aging Fund.....[Deleted]
30 Law Enforcement Officers and Fire Fighters
31 Death Benefits Trust Fund.....[Deleted]
32 Law Enforcement Officers and Fire Fighters
33 Disability Benefits Trust Fund.....[Deleted]
34 State Prosecutor Compensation Fund for the purpose
35 of providing additional compensation for
36 district attorneys and their legal assistants.....[Deleted]
37 Crisis Intervention Mental Health Fund.....[Deleted]
38 Intervention Court Fund.....[Deleted]
39 Judicial Performance Fund.....[Deleted]
40 Capital Defense Counsel Fund.....[Deleted]
41 Indigent Appeals Fund.....[Deleted]
42 Capital Post-Conviction Counsel Fund.....[Deleted]
43 Victims of Domestic Violence Fund.....[Deleted]
44 Public Defenders Education Fund.....[Deleted]
45 Domestic Violence Training Fund.....[Deleted]



46 Attorney General's Cyber Crime Unit.....[Deleted]
47 Children's Safe Center Fund.....[Deleted]
48 DuBard School for Language Disorders Fund.....[Deleted]
49 Children's Advocacy Centers Fund.....[Deleted]
50 Judicial System Operation Fund.....[Deleted]
51 State General Fund.....85.50

52 * * *~~GENERAL FUND~~ TOTAL STATE ASSESSMENT.....\$ 90.50

53 (2) **Implied Consent Law violations.** In addition to any
54 monetary penalties and any other penalties imposed by law, there
55 shall be imposed and collected the following state assessment from
56 each person upon whom a court imposes a fine or any other penalty
57 for any violation of the Mississippi Implied Consent Law (Section
58 63-11-1 et seq.):

59	FUND	AMOUNT
60	Crime Victims' Compensation Fund.....[Deleted]	
61	State Court Education Fund.....[Deleted]	
62	State Prosecutor Education Fund.....[Deleted]	
63	Vulnerable Persons Training,	
64	Investigation and Prosecution Trust Fund.....[Deleted]	
65	Child Support Prosecution Trust Fund.....[Deleted]	
66	Driver Training Penalty Assessment Fund.....[Deleted]	
67	Law Enforcement Officers Training Fund..... * * * [Deleted]	<u>11.00</u>
68	Emergency Medical Services Operating Fund.....[Deleted]	
69	Mississippi Alcohol Safety Education Program Fund.....[Deleted]	
70	Federal-State Alcohol Program Fund.....[Deleted]	



71 Mississippi Forensics Laboratory
72 Implied Consent Law Fund..... * * *~~[Deleted]~~25.00
73 Spinal Cord and Head Injury Trust Fund.....[Deleted]
74 Capital Defense Counsel Fund.....[Deleted]
75 Indigent Appeals Fund.....[Deleted]
76 Capital Post-Conviction Counsel Fund.....[Deleted]
77 Victims of Domestic Violence Fund.....[Deleted]
78 Law Enforcement Officers and Fire Fighters
79 Death Benefits Trust Fund.....[Deleted]
80 Law Enforcement Officers and Fire Fighters
81 Disability Benefits Trust Fund.....[Deleted]
82 State Prosecutor Compensation Fund for the purpose
83 of providing additional compensation for
84 district attorneys and their legal assistants.....[Deleted]
85 Crisis Intervention Mental Health Fund.....[Deleted]
86 Intervention Court Fund.....[Deleted]
87 Statewide Victims' Information and
88 Notification System Fund.....[Deleted]
89 Public Defenders Education Fund.....[Deleted]
90 Domestic Violence Training Fund.....[Deleted]
91 Attorney General's Cyber Crime Unit.....[Deleted]
92 State General Fund.....207.50
93 * * *~~GENERAL FUND~~ TOTAL STATE ASSESSMENT.....\$ 243.50
94 (3) **Game and Fish Law violations.** In addition to any
95 monetary penalties and any other penalties imposed by law, there



96 shall be imposed and collected the following state assessment from
97 each person upon whom a court imposes a fine or other penalty for
98 any violation of the game and fish statutes or regulations of this
99 state:

100	FUND	AMOUNT
101	State Court Education Fund.....	[Deleted]
102	State Prosecutor Education Fund.....	[Deleted]
103	Vulnerable Persons Training,	
104	Investigation and Prosecution Trust Fund.....	[Deleted]
105	Law Enforcement Officers Training Fund..... * * *	[Deleted] <u>5.00</u>
106	Hunter Education and Training Program Fund.....	[Deleted]
107	Law Enforcement Officers and Fire Fighters	
108	Death Benefits Trust Fund.....	[Deleted]
109	Law Enforcement Officers and Fire Fighters	
110	Disability Benefits Trust Fund.....	[Deleted]
111	State Prosecutor Compensation Fund for the purpose	
112	of providing additional compensation for district	
113	attorneys and their legal assistants.....	[Deleted]
114	Crisis Intervention Mental Health Fund.....	[Deleted]
115	Intervention Court Fund.....	[Deleted]
116	Capital Defense Counsel Fund.....	[Deleted]
117	Indigent Appeals Fund.....	[Deleted]
118	Capital Post-Conviction Counsel Fund.....	[Deleted]
119	Victims of Domestic Violence Fund.....	[Deleted]
120	Public Defenders Education Fund.....	[Deleted]



121 Domestic Violence Training Fund.....[Deleted]
122 Attorney General's Cyber Crime Unit.....[Deleted]
123 State General Fund.....84.00
124 * * *~~GENERAL FUND~~ TOTAL STATE ASSESSMENT.....\$ 89.00
125 (4) [Deleted]
126 (5) **Speeding, reckless and careless driving violations.** In
127 addition to any assessment imposed under subsection (1) or (2) of
128 this section, there shall be imposed and collected the following
129 state assessment from each person upon whom a court imposes a fine
130 or other penalty for driving a vehicle on a road or highway:
131 (a) At a speed that exceeds the posted speed limit by
132 at least ten (10) miles per hour but not more than twenty (20)
133 miles per hour.....\$10.00
134 (b) At a speed that exceeds the posted speed limit by
135 at least twenty (20) miles per hour but not more than thirty (30)
136 miles per hour.....\$20.00
137 (c) At a speed that exceeds the posted speed limit by
138 thirty (30) miles per hour or more.....\$30.00
139 (d) In violation of Section 63-3-1201, which is the
140 offense of reckless driving.....\$10.00
141 (e) In violation of Section 63-3-1213, which is the
142 offense of careless driving.....\$10.00
143 All assessments collected under this subsection shall be
144 deposited into the State General Fund.



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

152	FUND	AMOUNT
153	Crime Victims' Compensation Fund.....	[Deleted]
154	State Court Education Fund.....	[Deleted]
155	State Prosecutor Education Fund.....	[Deleted]
156	Vulnerable Persons Training, Investigation	
157	and Prosecution Trust Fund.....	[Deleted]
158	Child Support Prosecution Trust Fund.....	[Deleted]
159	Law Enforcement Officers Training Fund.....	* * * [Deleted] <u>5.00</u>
160	Capital Defense Counsel Fund.....	[Deleted]
161	Indigent Appeals Fund.....	[Deleted]
162	Capital Post-Conviction Counsel Fund.....	[Deleted]
163	Victims of Domestic Violence Fund.....	[Deleted]
164	State Crime Stoppers 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
171 district attorneys and their legal assistants.....[Deleted]
172 Crisis Intervention Mental Health Fund.....[Deleted]
173 Intervention Court Fund.....[Deleted]
174 Judicial Performance Fund.....[Deleted]
175 Statewide Victims' Information and
176 Notification System Fund.....[Deleted]
177 Public Defenders Education Fund.....[Deleted]
178 Domestic Violence Training Fund.....[Deleted]
179 Attorney General's Cyber Crime Unit.....[Deleted]
180 Information Exchange Network Fund.....[Deleted]
181 Motorcycle Officer Training Fund.....[Deleted]
182 Civil Legal Assistance Fund.....[Deleted]
183 Justice Court Collections Fund.....[Deleted]
184 Municipal Court Collections Fund.....[Deleted]
185 State General Fund.....116.75
186 * * *~~GENERAL FUND~~ TOTAL STATE ASSESSMENT.....\$121.75

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

193	FUND	AMOUNT
194	Crime Victims' Compensation Fund.....	[Deleted]



195 State Court Education Fund.....[Deleted]
 196 State Prosecutor Education Fund.....[Deleted]
 197 Vulnerable Persons Training, Investigation
 198 and Prosecution Trust Fund.....[Deleted]
 199 Child Support Prosecution Trust Fund.....[Deleted]
 200 Law Enforcement Officers Training Fund..... * * *~~[Deleted]~~5.00
 201 Capital Defense Counsel Fund.....[Deleted]
 202 Indigent Appeals Fund.....[Deleted]
 203 Capital Post-Conviction Counsel Fund.....[Deleted]
 204 Victims of Domestic Violence Fund.....[Deleted]
 205 Criminal Justice Fund.....[Deleted]
 206 Law Enforcement Officers and Fire Fighters
 207 Death Benefits Trust Fund.....[Deleted]
 208 Law Enforcement Officers and Fire Fighters
 209 Disability Benefits Trust Fund.....[Deleted]
 210 State Prosecutor Compensation Fund for the purpose
 211 of providing additional compensation for
 212 district attorneys and their legal assistants.....[Deleted]
 213 Crisis Intervention Mental Health Fund.....[Deleted]
 214 Intervention Court Fund.....[Deleted]
 215 Statewide Victims' Information and
 216 Notification System Fund.....[Deleted]
 217 Public Defenders Education Fund.....[Deleted]
 218 Domestic Violence Training Fund.....[Deleted]
 219 Attorney General's Cyber Crime Unit.....[Deleted]



220 Forensics Laboratory DNA Identification System Fund * * *~~Deleted~~100.00
221 State General Fund.....175.50
222 * * *~~GENERAL FUND~~ TOTAL STATE ASSESSMENT.....\$ 280.50

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

224 (a) **Railroad crossing violations.** In addition to any
225 monetary penalties and any other penalties imposed by law, there
226 shall be imposed and collected the following state assessment in
227 addition to all other state assessments due under this section
228 from each person upon whom a court imposes a fine or other penalty
229 for any violation involving railroad crossings under Section
230 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

231 Operation Lifesaver Fund.....\$25.00

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

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

239 Mississippi Foster Care Fund.....\$2.00

240 (c) **Motor vehicle liability insurance violations.** In
241 addition to any monetary penalties and any other penalties imposed
242 by law, there shall be imposed and collected the following state
243 assessment in addition to all other state assessments due under
244 this section from each person upon whom a court imposes a fine or



245 other penalty for any violation of Section 63-15-4(4) or Section
246 63-16-13(1):

247 Uninsured Motorist Identification Fund:

248 First offense.....\$200.00

249 Second offense.....\$300.00

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

251 (9) If a fine or other penalty imposed is suspended, in
252 whole or in part, such suspension shall not affect the state
253 assessment under this section. No state assessment imposed under
254 the provisions of this section may be suspended or reduced by the
255 court.

256 (10) (a) After a determination by the court of the amount
257 due, it shall be the duty of the clerk of the court to promptly
258 collect all state assessments imposed under the provisions of this
259 section. The state assessments imposed under the provisions of
260 this section may not be paid by personal check.

261 (b) It shall be the duty of the chancery clerk of each
262 county to deposit all state assessments collected in the circuit,
263 county and justice courts in the county on a monthly basis with
264 the State Treasurer pursuant to appropriate procedures established
265 by the State Auditor. The chancery clerk shall make a monthly
266 lump-sum deposit of the total state assessments collected in the
267 circuit, county and justice courts in the county under this
268 section, and shall report to the Department of Finance and
269 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.

(12) The State Auditor shall establish by regulation procedures for refunds of state assessments, including refunds associated with assessments imposed before July 1, 1990, and refunds after appeals in which the defendant's conviction is reversed. The Auditor shall provide in the regulations for



295 certification of eligibility for refunds and may require the
296 defendant seeking a refund to submit a verified copy of a court
297 order or abstract by which the defendant is entitled to a refund.
298 All refunds of state assessments shall be made in accordance with
299 the procedures established by the Auditor.

300 **SECTION 2.** This act shall take effect and be in force from
301 and after July 1, 2021.

