

By: Representative Watson

To: Judiciary B

HOUSE BILL NO. 807

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR AN ASSESSMENT ON CERTAIN CRIMINAL OFFENSES FOR THE
3 PURPOSE OF PROVIDING FUNDING FOR THE CIVIL LEGAL ASSISTANCE FUND;
4 AND FOR RELATED PURPOSES.

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

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

8 99-19-73. (1) **Traffic violations.** In addition to any
9 monetary penalties and any other penalties imposed by law, there
10 shall be imposed and collected the following state assessment from
11 each person upon whom a court imposes a fine or other penalty for
12 any violation in Title 63, Mississippi Code of 1972, except
13 offenses relating to the Mississippi Implied Consent Law (Section
14 63-11-1 et seq.) and offenses relating to vehicular parking or
15 registration:

16 FUND	AMOUNT
17 State Court Education Fund.....	[Deleted]
18 State Prosecutor Education Fund.....	[Deleted]
19 Vulnerable Persons Training,	



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



45	Children's Safe Center Fund.....	[Deleted]
46	DuBard School for Language Disorders Fund.....	[Deleted]
47	Children's Advocacy Centers Fund.....	[Deleted]
48	Judicial System Operation Fund.....	[Deleted]
49	<u>Civil Legal Assistance Fund</u>	\$ 1.00
50	<u>State General Fund</u>	\$ 90.50
51	<u>TOTAL STATE ASSESSMENT</u>	\$ 91.50

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

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

70 Mississippi Forensics Laboratory



71 Implied Consent Law Fund.....[Deleted]
72 Spinal Cord and Head Injury Trust Fund.....[Deleted]
73 Capital Defense Counsel Fund.....[Deleted]
74 Indigent Appeals Fund.....[Deleted]
75 Capital Post-Conviction Counsel Fund.....[Deleted]
76 Victims of Domestic Violence Fund.....[Deleted]
77 Law Enforcement Officers and Fire Fighters
78 Death Benefits Trust Fund.....[Deleted]
79 Law Enforcement Officers and Fire Fighters
80 Disability Benefits Trust Fund.....[Deleted]
81 State Prosecutor Compensation Fund for the purpose
82 of providing additional compensation for
83 district attorneys and their legal assistants.....[Deleted]
84 Crisis Intervention Mental Health Fund.....[Deleted]
85 Intervention Court Fund.....[Deleted]
86 Statewide Victims' Information and
87 Notification System Fund.....[Deleted]
88 Public Defenders Education Fund.....[Deleted]
89 Domestic Violence Training Fund.....[Deleted]
90 Attorney General's Cyber Crime Unit.....[Deleted]
91 Civil Legal Assistance Fund\$ 1.00
92 State General Fund.....\$ 243.50
93 TOTAL STATE ASSESSMENT\$ 244.50

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]
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 GENERAL FUND.....\$ 89.00

124 (4) [Deleted]

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

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

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

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

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

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

142 All assessments collected under this subsection shall be
143 deposited into the State General Fund.

144 (6) **Other misdemeanors.** In addition to any monetary
145 penalties and any other penalties imposed by law, there shall be



146 imposed and collected the following state assessment from each
147 person upon whom a court imposes a fine or other penalty for any
148 misdemeanor violation not specified in subsection (1), (2) or (3)
149 of this section, except offenses relating to vehicular parking or
150 registration:

151	FUND	AMOUNT
152	Crime Victims' Compensation Fund.....	[Deleted]
153	State Court Education Fund.....	[Deleted]
154	State Prosecutor Education Fund.....	[Deleted]
155	Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	[Deleted]
156	Child Support Prosecution Trust Fund.....	[Deleted]
157	Law Enforcement Officers Training Fund.....	[Deleted]
158	Capital Defense Counsel Fund.....	[Deleted]
159	Indigent Appeals Fund.....	[Deleted]
160	Capital Post-Conviction Counsel Fund.....	[Deleted]
161	Victims of Domestic Violence Fund.....	[Deleted]
162	State Crime Stoppers Fund.....	[Deleted]
163	Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	[Deleted]
164	Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	[Deleted]
165	State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....	[Deleted]



171 Crisis Intervention Mental Health Fund.....[Deleted]
 172 Intervention Court Fund.....[Deleted]
 173 Judicial Performance Fund.....[Deleted]
 174 Statewide Victims' Information and
 175 Notification System Fund.....[Deleted]
 176 Public Defenders Education Fund.....[Deleted]
 177 Domestic Violence Training Fund.....[Deleted]
 178 Attorney General's Cyber Crime Unit.....[Deleted]
 179 Information Exchange Network Fund.....[Deleted]
 180 Motorcycle Officer Training Fund.....[Deleted]
 181 Civil Legal Assistance Fund..... * * *\$ 1.00
 182 Justice Court Collections Fund.....[Deleted]
 183 Municipal Court Collections Fund.....[Deleted]
 184 State General Fund.....\$121.75
 185 TOTAL STATE ASSESSMENT\$122.75

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

192 FUND	AMOUNT
193 Crime Victims' Compensation Fund.....	[Deleted]
194 State Court Education Fund.....	[Deleted]
195 State Prosecutor Education Fund.....	[Deleted]



196 Vulnerable Persons Training, Investigation
 197 and Prosecution Trust Fund.....[Deleted]
 198 Child Support Prosecution Trust Fund.....[Deleted]
 199 Law Enforcement Officers Training Fund.....[Deleted]
 200 Capital Defense Counsel Fund.....[Deleted]
 201 Indigent Appeals Fund.....[Deleted]
 202 Capital Post-Conviction Counsel Fund.....[Deleted]
 203 Victims of Domestic Violence Fund.....[Deleted]
 204 Criminal Justice Fund.....[Deleted]
 205 Law Enforcement Officers and Fire Fighters
 206 Death Benefits Trust Fund.....[Deleted]
 207 Law Enforcement Officers and Fire Fighters
 208 Disability Benefits Trust Fund.....[Deleted]
 209 State Prosecutor Compensation Fund for the purpose
 210 of providing additional compensation for
 211 district attorneys and their legal assistants.....[Deleted]
 212 Crisis Intervention Mental Health Fund.....[Deleted]
 213 Intervention Court Fund.....[Deleted]
 214 Statewide Victims' Information and
 215 Notification System Fund.....[Deleted]
 216 Public Defenders Education Fund.....[Deleted]
 217 Domestic Violence Training Fund.....[Deleted]
 218 Attorney General's Cyber Crime Unit.....[Deleted]
 219 Forensics Laboratory DNA Identification System Fund.....[Deleted]
 220 Civil Legal Assistance Fund\$ 1.00



221 State General Fund.....\$ 280.50

222 TOTAL STATE ASSESSMENT\$ 281.50

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



270 subsection for which state assessments were collected in the
271 circuit, county and justice courts in the county during that
272 month.

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

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

290 (12) The State Auditor shall establish by regulation
291 procedures for refunds of state assessments, including refunds
292 associated with assessments imposed before July 1, 1990, and
293 refunds after appeals in which the defendant's conviction is
294 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, 2022.

