

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 404

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE A PORTION OF THE STATE ASSESSMENTS COLLECTED UNDER THE
3 STATUTE PRESCRIBING STANDARD MONETARY ASSESSMENTS FOR CERTAIN
4 VIOLATIONS OF LAW TO BE DEPOSITED INTO THE LAW ENFORCEMENT
5 OFFICERS TRAINING FUND, THE MISSISSIPPI FORENSICS LABORATORY
6 IMPLIED CONSENT LAW FUND AND THE FORENSICS LABORATORY DNA
7 IDENTIFICATION SYSTEM FUND INSTEAD OF THE STATE GENERAL FUND; AND
8 FOR RELATED PURPOSES.

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

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

12 99-19-73. (1) **Traffic violations.** In addition to any
13 monetary penalties and any other penalties imposed by law, there
14 shall be imposed and collected the following state assessment from
15 each person upon whom a court imposes a fine or other penalty for
16 any violation in Title 63, Mississippi Code of 1972, except
17 offenses relating to the Mississippi Implied Consent Law (Section
18 63-11-1 et seq.) and offenses relating to vehicular parking or
19 registration:

FUND	AMOUNT
State Court Education Fund.....[Deleted]	



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



47 Domestic Violence Training Fund.....[Deleted]
 48 Attorney General's Cyber Crime Unit.....[Deleted]
 49 Children's Safe Center Fund.....[Deleted]
 50 DuBard School for Language Disorders Fund.....[Deleted]
 51 Children's Advocacy Centers Fund.....[Deleted]
 52 Judicial System Operation Fund.....[Deleted]
 53 State General Fund.....85.50
 54 * * * TOTAL STATE ASSESSMENT.....\$ 90.50

55 (2) **Implied Consent Law violations.** In addition to any
 56 monetary penalties and any other penalties imposed by law, there
 57 shall be imposed and collected the following state assessment from
 58 each person upon whom a court imposes a fine or any other penalty
 59 for any violation of the Mississippi Implied Consent Law (Section
 60 63-11-1 et seq.):

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



72 Federal-State Alcohol Program Fund.....[Deleted]

73 Mississippi Forensics Laboratory

74 Implied Consent Law Fund..... * * *25.00

75 Spinal Cord and Head Injury Trust Fund.....[Deleted]

76 Capital Defense Counsel Fund.....[Deleted]

77 Indigent Appeals Fund.....[Deleted]

78 Capital Post-Conviction Counsel Fund.....[Deleted]

79 Victims of Domestic Violence Fund.....[Deleted]

80 Law Enforcement Officers and Fire Fighters

81 Death Benefits Trust Fund.....[Deleted]

82 Law Enforcement Officers and Fire Fighters

83 Disability Benefits Trust Fund.....[Deleted]

84 State Prosecutor Compensation Fund for the purpose

85 of providing additional compensation for

86 district attorneys and their legal assistants.....[Deleted]

87 Crisis Intervention Mental Health Fund.....[Deleted]

88 Intervention Court Fund.....[Deleted]

89 Statewide Victims' Information and

90 Notification System Fund.....[Deleted]

91 Public Defenders Education Fund.....[Deleted]

92 Domestic Violence Training Fund.....[Deleted]

93 Attorney General's Cyber Crime Unit.....[Deleted]

94 State General Fund.....207.50

95 * * * TOTAL STATE ASSESSMENT.....\$ 243.50



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

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



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



145 All assessments collected under this subsection shall be
146 deposited into the State General Fund.

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

154 FUND	AMOUNT
155 Crime Victims' Compensation Fund.....	[Deleted]
156 State Court Education Fund.....	[Deleted]
157 State Prosecutor Education Fund.....	[Deleted]
158 Vulnerable Persons Training, Investigation 159 and Prosecution Trust Fund.....	[Deleted]
160 Child Support Prosecution Trust Fund.....	[Deleted]
161 Law Enforcement Officers Training Fund.....	* * * <u>5.00</u>
162 Capital Defense Counsel Fund.....	[Deleted]
163 Indigent Appeals Fund.....	[Deleted]
164 Capital Post-Conviction Counsel Fund.....	[Deleted]
165 Victims of Domestic Violence Fund.....	[Deleted]
166 State Crime Stoppers Fund.....	[Deleted]
167 Law Enforcement Officers and Fire Fighters 168 Death Benefits Trust Fund.....	[Deleted]
169 Law Enforcement Officers and Fire Fighters	



170 Disability Benefits Trust Fund.....[Deleted]

171 State Prosecutor Compensation Fund for the purpose

172 of providing additional compensation for

173 district attorneys and their legal assistants.....[Deleted]

174 Crisis Intervention Mental Health Fund.....[Deleted]

175 Intervention Court Fund.....[Deleted]

176 Judicial Performance Fund.....[Deleted]

177 Statewide Victims' Information and

178 Notification System Fund.....[Deleted]

179 Public Defenders Education Fund.....[Deleted]

180 Domestic Violence Training Fund.....[Deleted]

181 Attorney General's Cyber Crime Unit.....[Deleted]

182 Information Exchange Network Fund.....[Deleted]

183 Motorcycle Officer Training Fund.....[Deleted]

184 Civil Legal Assistance Fund.....[Deleted]

185 Justice Court Collections Fund.....[Deleted]

186 Municipal Court Collections Fund.....[Deleted]

187 State General Fund.....116.75

188 * * * TOTAL STATE ASSESSMENT.....\$121.75

189 (7) **Other felonies.** In addition to any monetary penalties

190 and any other penalties imposed by law, there shall be imposed and

191 collected the following state assessment from each person upon

192 whom a court imposes a fine or other penalty for any felony

193 violation not specified in subsection (1), (2) or (3) of this

194 section:



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



220 Domestic Violence Training Fund.....[Deleted]
 221 Attorney General's Cyber Crime Unit.....[Deleted]
 222 Forensics Laboratory DNA Identification System Fund... * * *100.00
 223 State General Fund.....175.50
 224 * * * TOTAL STATE ASSESSMENT.....\$ 280.50

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

226 (a) **Railroad crossing violations.** In addition to any
 227 monetary penalties and any other penalties imposed by law, there
 228 shall be imposed and collected the following state assessment in
 229 addition to all other state assessments due under this section
 230 from each person upon whom a court imposes a fine or other penalty
 231 for any violation involving railroad crossings under Section
 232 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:
 233 Operation Lifesaver Fund.....\$25.00

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

240 Drug Evidence Disposition Fund.....\$25.00
 241 Mississippi Foster Care Fund.....\$2.00

242 (c) **Motor vehicle liability insurance violations.** In
 243 addition to any monetary penalties and any other penalties imposed
 244 by law, there shall be imposed and collected the following state



245 assessment in addition to all other state assessments due under
246 this section from each person upon whom a court imposes a fine or
247 other penalty for any violation of Section 63-15-4(4) or Section
248 63-16-13(1):

249 Uninsured Motorist Identification Fund:

250 First offense.....\$200.00

251 Second offense.....\$300.00

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

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

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

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



270 section, and shall report to the Department of Finance and
271 Administration the total number of violations under each
272 subsection for which state assessments were collected in the
273 circuit, county and justice courts in the county during that
274 month.

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

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

292 (12) The State Auditor shall establish by regulation
293 procedures for refunds of state assessments, including refunds
294 associated with assessments imposed before July 1, 1990, and



295 refunds after appeals in which the defendant's conviction is
296 reversed. The Auditor shall provide in the regulations for
297 certification of eligibility for refunds and may require the
298 defendant seeking a refund to submit a verified copy of a court
299 order or abstract by which the defendant is entitled to a refund.
300 All refunds of state assessments shall be made in accordance with
301 the procedures established by the Auditor.

302 **SECTION 2.** This act shall take effect and be in force from
303 and after July 1, 2023.

