

By: Senator(s) Bryan

To: Appropriations

SENATE BILL NO. 2855

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
 2 TO DELETE THE ASSESSMENTS DIRECTED TO THE STATE GENERAL FUND FOR
 3 CERTAIN VIOLATIONS AND CRIMES; TO AMEND SECTION 99-19-72,
 4 MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISION OF LAW THAT
 5 PROVIDES THAT THE FEE FOR EXPUNGEMENTS SHALL BE DEPOSITED INTO THE
 6 STATE GENERAL FUND FROM AND AFTER JULY 1, 2016; AND FOR RELATED
 7 PURPOSES.

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

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

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

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



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



46 Domestic Violence Training Fund.....[Deleted]
 47 Attorney General's Cyber Crime Unit.....[Deleted]
 48 Children's Safe Center Fund.....[Deleted]
 49 DuBard School for Language Disorders Fund.....[Deleted]
 50 Children's Advocacy Centers Fund.....[Deleted]
 51 Judicial System Operation Fund.....[Deleted]
 52 GENERAL FUND..... * * *[Deleted]

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]
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]

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 GENERAL FUND..... * * *[Deleted]

93 (3) **Game and Fish Law violations.** In addition to any

94 monetary penalties and any other penalties imposed by law, there

95 shall be imposed and collected the following state assessment from



96 each person upon whom a court imposes a fine or other penalty for
97 any violation of the game and fish statutes or regulations of this
98 state:

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



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

122 GENERAL FUND..... * * *[Deleted]

123 (4) [Deleted]

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

129 (a) At a speed that exceeds the posted speed limit by
130 at least ten (10) miles per hour but not more than twenty (20)
131 miles per hour..... * * *[Deleted]

132 (b) At a speed that exceeds the posted speed limit by
133 at least twenty (20) miles per hour but not more than thirty (30)
134 miles per hour..... * * *[Deleted]

135 (c) At a speed that exceeds the posted speed limit by
136 thirty (30) miles per hour or more..... * * *[Deleted]

137 (d) In violation of Section 63-3-1201, which is the
138 offense of reckless driving..... * * *[Deleted]

139 (e) In violation of Section 63-3-1213, which is the
140 offense of careless driving..... * * *[Deleted]

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

143 (6) **Other misdemeanors.** In addition to any monetary
144 penalties and any other penalties imposed by law, there shall be
145 imposed and collected the following state assessment from each



146 person upon whom a court imposes a fine or other penalty for any
147 misdemeanor violation not specified in subsection (1), (2) or (3)
148 of this section, except offenses relating to vehicular parking or
149 registration:

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



171 Intervention Court Fund..... [Deleted]
 172 Judicial Performance Fund..... [Deleted]
 173 Statewide Victims' Information and
 174 Notification System Fund..... [Deleted]
 175 Public Defenders Education Fund..... [Deleted]
 176 Domestic Violence Training Fund..... [Deleted]
 177 Attorney General's Cyber Crime Unit..... [Deleted]
 178 Information Exchange Network Fund..... [Deleted]
 179 Motorcycle Officer Training Fund..... [Deleted]
 180 Civil Legal Assistance Fund..... [Deleted]
 181 Justice Court Collections Fund..... [Deleted]
 182 Municipal Court Collections Fund..... [Deleted]
 183 GENERAL FUND..... * * * [Deleted]

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

190 FUND	AMOUNT
191 Crime Victims' Compensation Fund.....	[Deleted]
192 State Court Education Fund.....	[Deleted]
193 State Prosecutor Education Fund.....	[Deleted]
194 Vulnerable Persons Training, Investigation 195 and Prosecution Trust Fund.....	[Deleted]



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



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

227 Operation Lifesaver Fund.....\$25.00

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

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

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

236 (c) **Motor vehicle liability insurance violations.** In
237 addition to any monetary penalties and any other penalties imposed
238 by law, there shall be imposed and collected the following state
239 assessment in addition to all other state assessments due under
240 this section from each person upon whom a court imposes a fine or
241 other penalty for any violation of Section 63-15-4(4) or Section
242 63-16-13(1):

243 Uninsured Motorist Identification Fund:

244 First offense.....\$200.00



245 Second offense.....\$300.00

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

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

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

257 (b) It shall be the duty of the chancery clerk of each
258 county to deposit all state assessments collected in the circuit,
259 county and justice courts in the county on a monthly basis with
260 the State Treasurer pursuant to appropriate procedures established
261 by the State Auditor. The chancery clerk shall make a monthly
262 lump-sum deposit of the total state assessments collected in the
263 circuit, county and justice courts in the county under this
264 section, and shall report to the Department of Finance and
265 Administration the total number of violations under each
266 subsection for which state assessments were collected in the
267 circuit, county and justice courts in the county during that
268 month.



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

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

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



293 All refunds of state assessments shall be made in accordance with
294 the procedures established by the Auditor.

295 **SECTION 2.** Section 99-19-72, Mississippi Code of 1972, is
296 amended as follows:

297 99-19-72. * * * A filing fee of One Hundred Fifty Dollars
298 (\$150.00) is hereby levied on each petition to expunge an offense
299 under Section 99-19-71 to be collected by the circuit clerk and
300 distributed as follows:

301 (a) One Hundred Dollars (\$100.00) to be deposited into
302 the Judicial System Operation Fund;

303 (b) Forty Dollars (\$40.00) to be deposited into the
304 District Attorneys Operation Fund; and

305 (c) Ten Dollars (\$10.00) to be retained by the circuit
306 clerk collecting the fee for administration purposes.

307 * * *

308 **SECTION 3.** This act shall take effect and be in force from
309 and after July 1, 2023.

