

## House Amendments to Senate Bill No. 2297

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE 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:

39           **SECTION 1.** Section 63-11-19, Mississippi Code of 1972, is  
40 amended as follows:  
41           63-11-19. A chemical analysis of the person's breath, blood  
42 or urine, to be considered valid under the provisions of this  
43 section, shall have been performed according to methods approved  
44 by the Mississippi Forensics Laboratory created pursuant to  
45 Section 45-1-17 and the Commissioner of Public Safety and  
46 performed by an individual possessing a valid permit issued by the  
47 Mississippi Forensics Laboratory for making such analysis. The  
48 Mississippi Forensics Laboratory and the Commissioner of Public  
49 Safety are authorized to approve satisfactory techniques or  
50 methods, to ascertain the qualifications and competence of  
51 individuals to conduct such analyses, and to issue permits which  
52 shall be subject to termination or revocation at the discretion of  
53 the Mississippi Forensics Laboratory. The Mississippi Forensics  
54 Laboratory shall not approve the permit required herein for any  
55 law enforcement officer other than a member of the State Highway

56 Patrol, a sheriff or his deputies, a city policeman, an officer of  
57 a state-supported institution of higher learning campus police  
58 force, a security officer appointed and commissioned pursuant to  
59 the Pearl River Valley Water Supply District Security Officer Law  
60 of 1978, a national park ranger, a national park ranger  
61 technician, a military policeman stationed at a United States  
62 military base located within this state other than a military  
63 policeman of the Army or Air National Guard or of Reserve Units of  
64 the Army, Air Force, Navy or Marine Corps, a marine law  
65 enforcement officer employed by the Department of Marine  
66 Resources, or a conservation officer employed by the Mississippi  
67 Department of Wildlife, Fisheries and Parks. The permit given a  
68 marine law enforcement officer shall authorize such officer to  
69 administer tests only for violations of Sections 59-23-1 through  
70 59-23-7. The permit given a conservation officer shall authorize  
71 such officer to administer tests only for violations of Sections  
72 59-23-1 through 59-23-7 and for hunting related incidents  
73 resulting in injury or death to any person by discharge of a  
74 weapon as provided under Section 49-4-31.

75       The Mississippi Forensics Laboratory shall make periodic, but  
76 not less frequently than quarterly, tests of the methods, machines  
77 or devices used in making chemical analysis of a person's breath  
78 as shall be necessary to ensure the accuracy thereof, and shall  
79 issue its certificate to verify the accuracy of the same.

80       Without compromising accepted law enforcement standards and  
81 methodologies, the Mississippi Forensics Laboratory shall approve

82 for use at least one model of intoxilyzer equipment that is  
83 readily available to law enforcement agencies throughout the  
84 state.

85 **SECTION 2.** Section 63-11-47, Mississippi Code of 1972, is  
86 brought forward as follows:

87 63-11-47. The Commissioner of Public Safety, acting in  
88 concert with the Mississippi Forensics Laboratory created pursuant  
89 to Section 45-1-17, is hereby expressly authorized and directed to  
90 determine the equipment and supplies which are adequate and  
91 necessary from both a medical and law enforcement standpoint for  
92 administration of this chapter. The Commissioner of Public  
93 Safety, upon receiving such recommendation from the Mississippi  
94 Forensics Laboratory, shall recommend an equipment standard for  
95 such equipment to the Department of Finance and Administration.  
96 The Department of Finance and Administration, using such a uniform  
97 standard for said equipment, shall advertise its intention of  
98 purchasing said equipment by one (1) publication in at least one  
99 (1) newspaper having general circulation in the State of  
100 Mississippi at least ten (10) days before the purchase of such  
101 equipment and supplies, and the advertisement shall clearly and  
102 distinctly describe the articles to be purchased, and shall  
103 receive sealed bids thereon which shall be opened in public at a  
104 time and place to be specified in the advertisement.

105 The Department of Finance and Administration shall accept the  
106 lowest and best bid for said equipment and supplies; in its  
107 discretion, it may reject any and all bids submitted. The lowest

108 and best bid for said equipment and supplies accepted by the  
109 Department of Finance and Administration shall be the  
110 state-approved price of said equipment for purchase by the state,  
111 county and city governments.

112 Title to all such testing equipment in the state purchased  
113 hereunder shall remain in the Commissioner of Public Safety  
114 regardless of what entity pays the purchase price.

115 The state, counties and municipalities may purchase in the  
116 name of the Commissioner of Public Safety such equipment and  
117 supplies from other vendors of said equipment and supplies  
118 necessary to implement this chapter, provided they purchase of the  
119 same quality and standard as certified to the Department of  
120 Finance and Administration and approved by the department.  
121 However, such equipment and supplies shall not be purchased by the  
122 state, counties and municipalities unless it is at a price  
123 equivalent to or lower than that approved by the Department of  
124 Finance and Administration, pursuant to the bid procedure as  
125 outlined herein.

126 **SECTION 3.** The Mississippi Department of Public Safety  
127 Headquarters' Office, to be constructed and located in Pearl,  
128 Rankin County, Mississippi, shall be named the "David R. Huggins  
129 Headquarters of the Mississippi Department of Public Safety." The  
130 Department of Finance and Administration shall prepare or have  
131 prepared a distinctive plaque, to be approved by the Mississippi  
132 Department of Public Safety, to be placed in a prominent place  
133 within the building, that states the background, accomplishments

134 and service to the state by Commissioner David R. Huggins. The  
135 Department of Finance and Administration, in conjunction with the  
136 Mississippi Department of Public Safety, shall erect or cause to  
137 be erected proper lettering or signage on the outdoor facade of  
138 the building displaying the official name of the building as the  
139 "David R. Huggins Headquarters of the Mississippi Department of  
140 Public Safety." Any and all funds necessary to accomplish this  
141 act will be appropriated by the Legislature for such purpose.

142 **SECTION 4.** The Mississippi State Crime Laboratory of the  
143 Mississippi Department of Public Safety located in Pearl, Rankin  
144 County, Mississippi, shall be named the "Tom Weathersby State  
145 Crime Laboratory." The Department of Finance and Administration  
146 shall prepare or have prepared a distinctive plaque, to be  
147 approved by the Mississippi Department of Public Safety and the  
148 Mississippi House of Representatives, to be placed in a prominent  
149 place within the building, that states the background,  
150 accomplishments and service to the state by the Honorable Tom  
151 Weathersby. The Department of Finance and Administration, in  
152 conjunction with the Mississippi Department of Public Safety,  
153 shall erect or cause to be erected proper lettering or signage on  
154 the outdoor facade of the building displaying the official name of  
155 the building as the "Tom Weathersby State Crime Laboratory." Any  
156 and all funds necessary to accomplish this act will be  
157 appropriated by the Legislature for such purpose.

158 **SECTION 5.** The Legislature finds that:

159           (a) Domestic violence is a serious issue that causes  
160 substantial damage to victims and children as well as to the  
161 community. Families experiencing domestic violence are often  
162 involved in more than one (1) court proceeding including divorce  
163 and custody cases, civil and criminal proceedings regarding  
164 domestic violence, substance abuse and child protection.  
165 Substantial state and county resources are required each year for  
166 the incarceration, supervision and treatment of batterers.

167           (b) Domestic abuse courts hold offenders accountable,  
168 increase victim safety, provide greater judicial monitoring, and  
169 coordinate information to provide effective interaction and use of  
170 resources among the courts, justice system personnel and community  
171 agencies. Effective case management and coordination ensures that  
172 decisions in one (1) case do not conflict with existing orders in  
173 other civil and criminal cases and provide courts with the  
174 necessary information to protect victims and families.

175           (c) Domestic abuse courts have proven effective in  
176 reducing recidivism and increasing victim safety. It is in the  
177 best interests of the citizens of this state to authorize the  
178 establishment of domestic abuse courts.

179           **SECTION 6.** The following shall be codified as Section  
180 9-23-101, Mississippi Code of 1972:

181           9-23-101. (1) A domestic abuse court is a court focused on  
182 the safety of the victim and the accountability of the offender  
183 by:

184 (a) Bringing together criminal justice professionals,  
185 local social programs and intensive judicial monitoring;

186 (b) Linking victims to programs and services by  
187 effective collaboration with social service providers and other  
188 stakeholders to refer victims to appropriate and available  
189 community services based on risk and need;

190 (c) Linking eligible civil respondents to programs and  
191 services by effective collaboration with social service providers  
192 and other stakeholders to refer such individuals to appropriate  
193 and available community services based on risk and need;

194 (d) Linking eligible criminal defendants to programs  
195 and services by effective collaboration with social service  
196 providers and other stakeholders to refer defendants to  
197 appropriate and available community services based on risk and  
198 need; and

199 (e) Providing centralized monitoring of participants to  
200 ensure compliance with any civil domestic abuse protection orders  
201 or with any treatment orders or other orders issued by the court.

202 (2) For the purposes of this act, "domestic abuse" and  
203 "domestic violence" shall have the meanings ascribed to "abuse" by  
204 Section 93-21-3 and to "misdemeanor which is an act of domestic  
205 violence" in Section 99-3-7.

206 **SECTION 7.** The following shall be codified as Section  
207 9-23-103, Mississippi Code of 1972:

208 9-23-103. Any chancery or county court may establish a  
209 domestic abuse court program. Any municipal and justice court is

210 authorized to participate in a domestic abuse court program  
211 established in the county.

212 **SECTION 8.** The following shall be codified as Section  
213 9-23-105, Mississippi Code of 1972:

214 9-23-105. (1) A domestic abuse court and accompanying  
215 services of the domestic abuse court shall be available only to  
216 individuals over whom the court has established jurisdiction.

217 (2) A domestic abuse court that does not have felony  
218 jurisdiction may assume jurisdiction over an individual convicted  
219 of a felony from another court within the county upon entry of an  
220 appropriate order by the criminal court referring that individual  
221 to the domestic abuse court for the purpose of participation in  
222 the domestic abuse court program.

223 **SECTION 9.** The following shall be codified as Section  
224 9-23-107, Mississippi Code of 1972:

225 9-23-107. (1) The Administrative Office of Courts shall  
226 develop uniform standards for operation of a domestic abuse court.  
227 Any domestic abuse court shall operate pursuant to those  
228 standards. Such standards shall, at a minimum, include provisions  
229 for:

- 230 (a) Establishment and coordination of the domestic  
231 abuse court;
- 232 (b) Funding for the domestic abuse court;
- 233 (c) Procedural matters;
- 234 (d) Referral protocols;
- 235 (e) Participant eligibility;



236 (f) Services to be made available to participants  
237 referred to the court; and

238 (g) Roles and duties of the court, which shall include,  
239 but not be limited to, assessment, referral, case management,  
240 supervision and evaluation.

241 (2) Any court wishing to adopt local rules for the  
242 coordination of services and to address court procedures that may  
243 vary from those established by the Administrative Office of Courts  
244 shall submit those rules to the Administrative Office of Courts  
245 for approval prior to implementation.

246 **SECTION 10.** The following shall be codified as Section  
247 9-23-109, Mississippi Code of 1972:

248 9-23-109. A domestic abuse court may hire employees  
249 necessary to carry out the functions of the court, including, but  
250 not limited to, an administrator, case manager, counselor or  
251 clerical staff.

252 **SECTION 11.** The following shall be codified as Section  
253 9-23-111, Mississippi Code of 1972:

254 9-23-111. Nothing herein shall be construed to guarantee any  
255 individual the right to participate in a domestic abuse court  
256 program.

257 **SECTION 12.** The following shall be codified as Section  
258 9-23-113, Mississippi Code of 1972:

259 9-23-113. (1) All monies received from any source by the  
260 domestic abuse court shall be accumulated in a fund to be used  
261 only for domestic abuse court purposes. Any funds remaining in

262 this fund at the end of a fiscal year shall not lapse into any  
263 general fund, but shall be retained in the Domestic Abuse Court  
264 Fund for the funding of further activities by the domestic abuse  
265 court.

266 (2) A domestic abuse court may apply for and receive the  
267 following:

268 (a) Gifts, bequests and donations from private sources.

269 (b) Grant and contract money from governmental sources.

270 (c) Other forms of financial assistance approved by the  
271 court to supplement the budget of the domestic abuse court.

272 **SECTION 13.** The following shall be codified as Section  
273 9-23-115, Mississippi Code of 1972:

274 9-23-115. There is created in the State Treasury a special  
275 interest-bearing fund to be known as the Domestic Abuse Court  
276 Fund. The purpose of the fund shall be to provide supplemental  
277 funding to all domestic abuse courts in the state. Monies from  
278 the fund shall be distributed by the State Treasurer upon warrants  
279 issued by the Administrative Office of Courts to assist domestic  
280 abuse courts. The fund shall be expended by the Administrative  
281 Office of Courts upon appropriation by the Legislature, and shall  
282 consist of: (a) monies appropriated by the Legislature for the  
283 purposes of funding domestic abuse courts; (b) the interest  
284 accruing to the fund; (c) monies received under the provisions of  
285 Section 99-19-73; (d) monies received from the federal government;  
286 and (e) monies received from such other sources as may be provided  
287 by law.

288           **SECTION 14.** Section 99-19-73, Mississippi Code of 1972, is  
289 amended as follows:

290           99-19-73. (1) **Traffic violations.** In addition to any  
291 monetary penalties and any other penalties imposed by law, there  
292 shall be imposed and collected the following state assessment from  
293 each person upon whom a court imposes a fine or other penalty for  
294 any violation in Title 63, Mississippi Code of 1972, except  
295 offenses relating to the Mississippi Implied Consent Law (Section  
296 63-11-1 et seq.) and offenses relating to vehicular parking or  
297 registration:

298	FUND	AMOUNT
299	State Court Education Fund.....	[Deleted]
300	State Prosecutor Education Fund.....	[Deleted]
301	Vulnerable Persons Training, 302           Investigation and Prosecution Trust Fund.....	[Deleted]
303	Child Support Prosecution Trust Fund.....	[Deleted]
304	Driver Training Penalty Assessment Fund.....	[Deleted]
305	Law Enforcement Officers Training Fund.....	[Deleted]
306	Spinal Cord and Head Injury Trust Fund 307           (for all moving violations).....	[Deleted]
308	Emergency Medical Services Operating Fund.....	[Deleted]
309	Mississippi Leadership Council on Aging Fund.....	[Deleted]
310	Law Enforcement Officers and Fire Fighters 311           Death Benefits Trust Fund.....	[Deleted]
312	Law Enforcement Officers and Fire Fighters 313           Disability Benefits Trust Fund.....	[Deleted]

314 State Prosecutor Compensation Fund for the purpose  
315 of providing additional compensation for  
316 district attorneys and their legal assistants.....[Deleted]  
317 Crisis Intervention Mental Health Fund.....[Deleted]  
318 Intervention Court Fund.....[Deleted]  
319 Judicial Performance Fund.....[Deleted]  
320 Capital Defense Counsel Fund.....[Deleted]  
321 Indigent Appeals Fund.....[Deleted]  
322 Capital Post-Conviction Counsel Fund.....[Deleted]  
323 Victims of Domestic Violence Fund.....[Deleted]  
324 Public Defenders Education Fund.....[Deleted]  
325 Domestic Violence Training Fund.....[Deleted]  
326 Attorney General's Cyber Crime Unit.....[Deleted]  
327 Children's Safe Center Fund.....[Deleted]  
328 DuBard School for Language Disorders Fund.....[Deleted]  
329 Children's Advocacy Centers Fund.....[Deleted]  
330 Judicial System Operation Fund.....[Deleted]  
331 GENERAL FUND.....\$ 90.50

332 (2) **Implied Consent Law violations.** In addition to any  
333 monetary penalties and any other penalties imposed by law, there  
334 shall be imposed and collected the following state assessment from  
335 each person upon whom a court imposes a fine or any other penalty  
336 for any violation of the Mississippi Implied Consent Law (Section  
337 63-11-1 et seq.):

338 FUND	AMOUNT
339 Crime Victims' Compensation Fund.....	[Deleted]

340 State Court Education Fund..... [Deleted]  
341 State Prosecutor Education Fund..... [Deleted]  
342 Vulnerable Persons Training,  
343       Investigation and Prosecution Trust Fund..... [Deleted]  
344 Child Support Prosecution Trust Fund..... [Deleted]  
345 Driver Training Penalty Assessment Fund..... [Deleted]  
346 Law Enforcement Officers Training Fund..... [Deleted]  
347 Emergency Medical Services Operating Fund..... [Deleted]  
348 Mississippi Alcohol Safety Education Program Fund..... [Deleted]  
349 Federal-State Alcohol Program Fund..... [Deleted]  
350 Mississippi Forensics Laboratory  
351       Implied Consent Law Fund..... [Deleted]  
352 Spinal Cord and Head Injury Trust Fund..... [Deleted]  
353 Capital Defense Counsel Fund..... [Deleted]  
354 Indigent Appeals Fund..... [Deleted]  
355 Capital Post-Conviction Counsel Fund..... [Deleted]  
356 Victims of Domestic Violence Fund..... [Deleted]  
357 Law Enforcement Officers and Fire Fighters  
358       Death Benefits Trust Fund..... [Deleted]  
359 Law Enforcement Officers and Fire Fighters  
360       Disability Benefits Trust Fund..... [Deleted]  
361 State Prosecutor Compensation Fund for the purpose  
362       of providing additional compensation for  
363       district attorneys and their legal assistants..... [Deleted]  
364 Crisis Intervention Mental Health Fund..... [Deleted]  
365 Intervention Court Fund..... [Deleted]

366 Statewide Victims' Information and  
 367 Notification System Fund.....[Deleted]  
 368 Public Defenders Education Fund.....[Deleted]  
 369 Domestic Violence Training Fund.....[Deleted]  
 370 Attorney General's Cyber Crime Unit.....[Deleted]  
 371 Domestic Abuse Court Fund.....\$1.00  
 372 General Fund.....\$243.50  
 373 \* \* \*TOTAL STATE ASSESSMENT.....\$ \* \* \*244.50

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

380 FUND	AMOUNT
381 State Court Education Fund.....	[Deleted]
382 State Prosecutor Education Fund.....	[Deleted]
383 Vulnerable Persons Training, 384 Investigation and Prosecution Trust Fund.....	[Deleted]
385 Law Enforcement Officers Training Fund.....	[Deleted]
386 Hunter Education and Training Program Fund.....	[Deleted]
387 Law Enforcement Officers and Fire Fighters 388 Death Benefits Trust Fund.....	[Deleted]
389 Law Enforcement Officers and Fire Fighters 390 Disability Benefits Trust Fund.....	[Deleted]
391 State Prosecutor Compensation Fund for the purpose	

392 of providing additional compensation for district  
393 attorneys and their legal assistants.....[Deleted]  
394 Crisis Intervention Mental Health Fund.....[Deleted]  
395 Intervention Court Fund.....[Deleted]  
396 Capital Defense Counsel Fund.....[Deleted]  
397 Indigent Appeals Fund.....[Deleted]  
398 Capital Post-Conviction Counsel Fund.....[Deleted]  
399 Victims of Domestic Violence Fund.....[Deleted]  
400 Public Defenders Education Fund.....[Deleted]  
401 Domestic Violence Training Fund.....[Deleted]  
402 Attorney General's Cyber Crime Unit.....[Deleted]  
403 Domestic Abuse Court Fund.....\$1.00  
404 General Fund.....\$89.00  
405 \* \* \*TOTAL STATE ASSESSMENT.....\$ \* \* \*90.00

406 (4) [Deleted]

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

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

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

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

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

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

424 All assessments collected under this subsection shall be  
425 deposited into the State General Fund.

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

433 FUND	AMOUNT
434 Crime Victims' Compensation Fund.....	[Deleted]
435 State Court Education Fund.....	[Deleted]
436 State Prosecutor Education Fund.....	[Deleted]
437 Vulnerable Persons Training, Investigation 438 and Prosecution Trust Fund.....	[Deleted]
439 Child Support Prosecution Trust Fund.....	[Deleted]
440 Law Enforcement Officers Training Fund.....	[Deleted]
441 Capital Defense Counsel Fund.....	[Deleted]
442 Indigent Appeals Fund.....	[Deleted]
443 Capital Post-Conviction Counsel Fund.....	[Deleted]



444 Victims of Domestic Violence Fund..... [Deleted]  
445 State Crime Stoppers Fund..... [Deleted]  
446 Law Enforcement Officers and Fire Fighters  
447       Death Benefits Trust Fund..... [Deleted]  
448 Law Enforcement Officers and Fire Fighters  
449       Disability Benefits Trust Fund..... [Deleted]  
450 State Prosecutor Compensation Fund for the purpose  
451       of providing additional compensation for  
452       district attorneys and their legal assistants..... [Deleted]  
453 Crisis Intervention Mental Health Fund..... [Deleted]  
454 Intervention Court Fund..... [Deleted]  
455 Judicial Performance Fund..... [Deleted]  
456 Statewide Victims' Information and  
457       Notification System Fund..... [Deleted]  
458 Public Defenders Education Fund..... [Deleted]  
459 Domestic Violence Training Fund..... [Deleted]  
460 Attorney General's Cyber Crime Unit..... [Deleted]  
461 Information Exchange Network Fund..... [Deleted]  
462 Motorcycle Officer Training Fund..... [Deleted]  
463 Civil Legal Assistance Fund..... [Deleted]  
464 Justice Court Collections Fund..... [Deleted]  
465 Municipal Court Collections Fund..... [Deleted]  
466 Domestic Abuse Court Fund..... \$1.00  
467 General Fund..... \$121.75  
468   \* \* \*TOTAL STATE ASSESSMENT..... \$ \* \* \*122.75

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

475	FUND	AMOUNT
476	Crime Victims' Compensation Fund.....	[Deleted]
477	State Court Education Fund.....	[Deleted]
478	State Prosecutor Education Fund.....	[Deleted]
479	Vulnerable Persons Training, Investigation 480 and Prosecution Trust Fund.....	[Deleted]
481	Child Support Prosecution Trust Fund.....	[Deleted]
482	Law Enforcement Officers Training Fund.....	[Deleted]
483	Capital Defense Counsel Fund.....	[Deleted]
484	Indigent Appeals Fund.....	[Deleted]
485	Capital Post-Conviction Counsel Fund.....	[Deleted]
486	Victims of Domestic Violence Fund.....	[Deleted]
487	Criminal Justice Fund.....	[Deleted]
488	Law Enforcement Officers and Fire Fighters 489 Death Benefits Trust Fund.....	[Deleted]
490	Law Enforcement Officers and Fire Fighters 491 Disability Benefits Trust Fund.....	[Deleted]
492	State Prosecutor Compensation Fund for the purpose 493 of providing additional compensation for 494 district attorneys and their legal assistants.....	[Deleted]

495 Crisis Intervention Mental Health Fund.....[Deleted]  
 496 Intervention Court Fund.....[Deleted]  
 497 Statewide Victims' Information and  
 498 Notification System Fund.....[Deleted]  
 499 Public Defenders Education Fund.....[Deleted]  
 500 Domestic Violence Training Fund.....[Deleted]  
 501 Attorney General's Cyber Crime Unit.....[Deleted]  
 502 Forensics Laboratory DNA Identification System Fund.....[Deleted]  
 503 Domestic Abuse Court Fund.....\$1.00  
 504 General Fund.....\$280.50  
 505 \* \* \*TOTAL STATE ASSESSMENT.....\$ \* \* \*281.50

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

507 (a) **Railroad crossing violations.** In addition to any  
 508 monetary penalties and any other penalties imposed by law, there  
 509 shall be imposed and collected the following state assessment in  
 510 addition to all other state assessments due under this section  
 511 from each person upon whom a court imposes a fine or other penalty  
 512 for any violation involving railroad crossings under Section  
 513 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

514 Operation Lifesaver Fund.....\$25.00

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

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

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

523 (c) **Motor vehicle liability insurance violations.** In  
524 addition to any monetary penalties and any other penalties imposed  
525 by law, there shall be imposed and collected the following state  
526 assessment in addition to all other state assessments due under  
527 this section from each person upon whom a court imposes a fine or  
528 other penalty for any violation of Section 63-15-4(4) or Section  
529 63-16-13(1):

530 Uninsured Motorist Identification Fund:

531 First offense.....\$200.00

532 Second offense.....\$300.00

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

534 (9) If a fine or other penalty imposed is suspended, in  
535 whole or in part, such suspension shall not affect the state  
536 assessment under this section. No state assessment imposed under  
537 the provisions of this section may be suspended or reduced by the  
538 court.

539 (10) (a) After a determination by the court of the amount  
540 due, it shall be the duty of the clerk of the court to promptly  
541 collect all state assessments imposed under the provisions of this  
542 section. The state assessments imposed under the provisions of  
543 this section may not be paid by personal check.

544 (b) It shall be the duty of the chancery clerk of each  
545 county to deposit all state assessments collected in the circuit,  
546 county and justice courts in the county on a monthly basis with

547 the State Treasurer pursuant to appropriate procedures established  
548 by the State Auditor. The chancery clerk shall make a monthly  
549 lump-sum deposit of the total state assessments collected in the  
550 circuit, county and justice courts in the county under this  
551 section, and shall report to the Department of Finance and  
552 Administration the total number of violations under each  
553 subsection for which state assessments were collected in the  
554 circuit, county and justice courts in the county during that  
555 month.

556 (c) It shall be the duty of the municipal clerk of each  
557 municipality to deposit all the state assessments collected in the  
558 municipal court in the municipality on a monthly basis with the  
559 State Treasurer pursuant to appropriate procedures established by  
560 the State Auditor. The municipal clerk shall make a monthly  
561 lump-sum deposit of the total state assessments collected in the  
562 municipal court in the municipality under this section, and shall  
563 report to the Department of Finance and Administration the total  
564 number of violations under each subsection for which state  
565 assessments were collected in the municipal court in the  
566 municipality during that month.

567 (11) It shall be the duty of the Department of Finance and  
568 Administration to deposit on a monthly basis all state assessments  
569 into the State General Fund or proper special fund in the State  
570 Treasury. The Department of Finance and Administration shall  
571 issue regulations providing for the proper allocation of these  
572 funds.

573 (12) The State Auditor shall establish by regulation  
574 procedures for refunds of state assessments, including refunds  
575 associated with assessments imposed before July 1, 1990, and  
576 refunds after appeals in which the defendant's conviction is  
577 reversed. The Auditor shall provide in the regulations for  
578 certification of eligibility for refunds and may require the  
579 defendant seeking a refund to submit a verified copy of a court  
580 order or abstract by which the defendant is entitled to a refund.  
581 All refunds of state assessments shall be made in accordance with  
582 the procedures established by the Auditor."

583 **SECTION 15.** Section 9-5-81, Mississippi Code of 1972, is  
584 amended as follows:

585 9-5-81. The chancery court in addition to the full  
586 jurisdiction in all the matters and cases expressly conferred upon  
587 it by the Constitution shall have jurisdiction of all cases  
588 transferred to it by the circuit court or remanded to it by the  
589 Supreme Court; and such further jurisdiction, as is, in this  
590 chapter or elsewhere, provided by law. A chancery court is  
591 authorized to establish a domestic abuse court as provided in  
592 Sections 1 through 9 of this act.

593 **SECTION 16.** Section 9-9-21, Mississippi Code of 1972, is  
594 amended as follows:

595 9-9-21. (1) The jurisdiction of the county court shall be  
596 as follows: It shall have jurisdiction concurrent with the  
597 justice court in all matters, civil and criminal of which the  
598 justice court has jurisdiction; and it shall have jurisdiction

599 concurrent with the circuit and chancery courts in all matters of  
600 law and equity wherein the amount of value of the thing in  
601 controversy shall not exceed, exclusive of costs and interest, the  
602 sum of Two Hundred Thousand Dollars (\$200,000.00), and the  
603 jurisdiction of the county court shall not be affected by any  
604 setoff, counterclaim or cross-bill in such actions where the  
605 amount sought to be recovered in such setoff, counterclaim or  
606 cross-bill exceeds Two Hundred Thousand Dollars (\$200,000.00).  
607 Provided, however, the party filing such setoff, counterclaim or  
608 cross-bill which exceeds Two Hundred Thousand Dollars  
609 (\$200,000.00) shall give notice to the opposite party or parties  
610 as provided in Section 13-3-83, and on motion of all parties filed  
611 within twenty (20) days after the filing of such setoff,  
612 counterclaim or cross-bill, the county court shall transfer the  
613 case to the circuit or chancery court wherein the county court is  
614 situated and which would otherwise have jurisdiction. It shall  
615 have exclusively the jurisdiction heretofore exercised by the  
616 justice court in the following matters and causes: namely,  
617 eminent domain, the partition of personal property, and actions of  
618 unlawful entry and detainer, provided that the actions of eminent  
619 domain and unlawful entry and detainer may be returnable and  
620 triable before the judge of said court in vacation. The county  
621 court shall have jurisdiction over criminal matters in the county  
622 assigned by a judge of the circuit court district in which the  
623 county is included.

624           (2) In the event of the establishment of a county court by  
625 an agreement between two (2) or more counties as provided in  
626 Section 9-9-3, it shall be lawful for such court sitting in one  
627 (1) county to act upon any and all matters of which it has  
628 jurisdiction as provided by law arising in the other county under  
629 the jurisdiction of said court.

630           (3) A county court is authorized to establish a domestic  
631 abuse court as provided in Sections 1 through 9 of this act.

632           **SECTION 17.** Section 77-15-1, Mississippi Code of 1972, is  
633 amended as follows:

634           77-15-1. (1) Notwithstanding any other provisions of law to  
635 the contrary, all local natural gas districts containing two (2)  
636 or more municipalities and nonmunicipal customers shall establish  
637 and maintain a board of directors composed of: (a) the mayors of  
638 each municipality within the district whose terms shall be  
639 concurrent with their terms of office as mayor; and (b) one (1)  
640 system-user from each county within the district, who shall not be  
641 a public official. The county system-user board members shall be  
642 elected by the system-users residing outside of a municipality, in  
643 the county in which such board member resides. In order to  
644 qualify as a candidate for election to the board, each person  
645 shall obtain, on a petition, twenty-five (25) signatures from  
646 system-users in the county in which such person resides. The  
647 signatures shall be of system-users residing outside of a  
648 municipality and the candidate shall be a system-user who resides  
649 outside of a municipality. The board shall call an election



650 within fifteen (15) days after July 1, 1989, to be held within  
651 sixty (60) days from the date such election is called. From and  
652 after July 1, 2007, the procedures for, and conduct of, the  
653 election of board members of the district shall be held in  
654 accordance with the provisions of subsection (6) of this section.  
655 Those persons elected to the board shall serve until the next  
656 general election for supervisors and the election for such board  
657 members thereafter shall be held at the same time as the  
658 supervisor elections and the terms of such board members shall be  
659 concurrent with the terms of the supervisors. The board of  
660 directors, including any mayors who serve on the board, shall be  
661 entitled to compensation as follows: (a) the chairperson of the  
662 board shall receive \* \* \* Five Hundred Fifty Dollars (\$550.00) per  
663 month, and (b) all other board members shall receive \* \* \* Five  
664 Hundred Fifty Dollars (\$550.00) per month. The chairperson and  
665 vice chairperson shall be elected by and from the entire  
666 membership of the governing board at the first meeting in July of  
667 each year. The vice chairperson shall preside over meetings as  
668 the chairperson in the absence or incapacity of the chairperson.  
669 In addition, an official meeting may be called at any time by a  
670 two-thirds (2/3) proclamation by the board membership.

671 (2) Two (2) board municipal/county system-user board members  
672 who reside in his or her respective county, and must be customers  
673 of the district, and who must be system-users shall be appointed  
674 as follows for his or her initial term: (a) one (1) board member  
675 from the county lying in the northern section of the district,

676 appointed by the Lieutenant Governor; and (b) one (1) board member  
677 from the county lying in the southern section of the district,  
678 appointed by the Governor. The appointed board municipal/county  
679 system-user board members may be elected public officials.

680 The initial terms of the two (2) municipal/county system-user  
681 board members shall begin July 1, 2005, and shall serve until June  
682 30, 2008, and thereafter the municipal/county system-user board  
683 members, as described in this subsection (2), shall be elected by  
684 the municipal and county system-users as follows: The successors  
685 in office to the board member who was appointed from the county  
686 lying in the northern section of the district shall be elected  
687 only by the municipal and county system-users who reside in that  
688 county and not by all of the system-users in the district. The  
689 successors in office to the board member who was appointed from  
690 the county lying in the southern section of the district shall be  
691 elected only by the municipal and county system-users who reside  
692 in that county and not by all of the system-users in the district.

693 The municipal/county system-user board members shall be  
694 compensated as prescribed in subsection (1) of this section.

695 (3) All board members shall file any required statements of  
696 economic interest with the Ethics Commission as required by law.  
697 This section shall not apply to any local natural gas district  
698 which leases its distribution system to an investor-owned utility  
699 company regulated by the Public Service Commission.

700 (4) From and after July 1, 2004, the Board of Directors of  
701 the Chickasawhay Natural Gas District shall discontinue

702 distribution of any of the revenues of the district to  
703 municipalities within the district.

704 (5) The provisions of this section shall only apply to the  
705 Chickasawhay Natural Gas District.

706 (6) The provisions of this subsection shall govern the  
707 procedure for, and conduct of, any election of the board of  
708 directors of the district. The board may adopt any rules and  
709 regulations pertaining to the election of the board of directors  
710 of the district that are not inconsistent and do not conflict with  
711 the provisions of this subsection.

712 (a) Notice of the election of one or more members of  
713 the board of directors shall be sent by regular United States mail  
714 to each system-user not less than thirty (30) days and not more  
715 than sixty (60) days from the election date. The notice shall  
716 state the time, place and manner in which the system-users may  
717 vote for the board of directors.

718 (b) The election shall be held in a manner and  
719 according to procedures to be established by rules and regulations  
720 adopted by the board before the giving of notice of the election,  
721 and a printed copy of such rules and regulations shall accompany  
722 the notice.

723 (c) The rules and regulations for the conduct of the  
724 election shall include the following provisions:

725 (i) To qualify as a candidate, a person shall not  
726 be a public official and must be a county system-user and such  
727 person must submit to the board, not less than twenty (20) days

728 before the election, a petition containing the signatures of  
729 twenty-five (25) system-users in the county in which the candidate  
730 resides;

731 (ii) Notice of the nomination of qualified  
732 candidates sent by regular United States mail to the system-users  
733 at least ten (10) days before the date of the election;

734 (iii) The method of voting on the date of the  
735 election shall be by personal attendance at the district's office  
736 in Waynesboro, by personal attendance at the district's office in  
737 Quitman, or by proxy;

738 (iv) Each system-user shall have one (1) vote,  
739 provided that when a billing for service is made to more than one  
740 (1) person at a single address or location, each such person shall  
741 be limited to casting a pro rata share of the one (1) vote to  
742 which the billing address or location is entitled; and

743 (v) The time of the election shall be fixed  
744 between the hours of 10:00 a.m. and 6:00 p.m. on a day of the week  
745 other than Sunday.

746 (d) A certified public accountant appointed by the  
747 board shall count all votes, whether cast by personal attendance  
748 or by proxy, and he shall certify the results of the election to  
749 the board within ten (10) days of the election.

750 **SECTION 18.** This act shall take effect and be in force from  
751 and after July 1, 2023, and shall stand repealed June 30, 2023.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 63-11-19, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE MISSISSIPPI FORENSICS LABORATORY TO APPROVE FOR USE  
3 AT LEAST ONE MODEL OF INTOXILYZER EQUIPMENT THAT IS READILY  
4 AVAILABLE TO LAW ENFORCEMENT AGENCIES THROUGHOUT THE STATE; TO  
5 BRING FORWARD SECTION 63-11-47, MISSISSIPPI CODE OF 1972, WHICH  
6 REQUIRES THE COMMISSIONER OF PUBLIC SAFETY TO DETERMINE THE  
7 EQUIPMENT AND SUPPLIES ADEQUATE AND NECESSARY FOR THE  
8 ADMINISTRATION OF THE IMPLIED CONSENT LAW, FOR PURPOSES OF  
9 POSSIBLE AMENDMENT; TO NAME THE MISSISSIPPI DEPARTMENT OF PUBLIC  
10 SAFETY HEADQUARTERS' OFFICE, LOCATED IN PEARL, RANKIN COUNTY,  
11 MISSISSIPPI, THE "DAVID R. HUGGINS HEADQUARTERS OF THE MISSISSIPPI  
12 DEPARTMENT OF PUBLIC SAFETY"; TO NAME THE MISSISSIPPI STATE CRIME  
13 LABORATORY IN PEARL, RANKIN COUNTY, MISSISSIPPI, THE "TOM  
14 WEATHERSBY STATE CRIME LABORATORY"; TO REQUIRE THE DEPARTMENT OF  
15 FINANCE AND ADMINISTRATION IN CONJUNCTION WITH THE DEPARTMENT OF  
16 PUBLIC SAFETY TO ERECT THE PROPER LETTERING OR SIGNAGE ON THE  
17 OUTDOOR FACADE OF THE BUILDINGS DISPLAYING THE OFFICIAL NAMES AS  
18 THE "DAVID R. HUGGINS HEADQUARTERS OF THE MISSISSIPPI DEPARTMENT  
19 OF PUBLIC SAFETY" AND THE "TOM WEATHERSBY STATE CRIME LABORATORY";  
20 TO CREATE NEW SECTIONS 9-23-101, 9-23-103, 9-23-105, 9-23-107,  
21 9-23-109, 9-23-111, 9-23-113 AND 9-23-115, MISSISSIPPI CODE OF  
22 1972, TO PROVIDE AUTHORITY FOR A CHANCERY OR COUNTY COURT TO  
23 ESTABLISH A DOMESTIC ABUSE COURT AND TO PROVIDE AUTHORITY FOR  
24 JUSTICE AND MUNICIPAL COURTS TO PARTICIPATE IN SUCH A COURT; TO  
25 DEFINE CERTAIN TERMS; TO PROVIDE FOR THE ENACTMENT OF STANDARDS OF  
26 OPERATION TO GOVERN THE OPERATION OF DOMESTIC ABUSE COURTS BY THE  
27 ADMINISTRATIVE OFFICE OF COURTS; TO CREATE THE DOMESTIC ABUSE  
28 COURT SPECIAL FUND; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF  
29 1972, TO PROVIDE AN ASSESSMENT TO FUND DOMESTIC ABUSE COURTS; TO  
30 AMEND SECTIONS 9-5-81 AND 9-9-21, MISSISSIPPI CODE OF 1972, TO  
31 CONFORM; TO AMEND SECTION 77-15-1, MISSISSIPPI CODE OF 1972, TO  
32 INCREASE FROM TWO HUNDRED DOLLARS TO FIVE HUNDRED DOLLARS THE  
33 MONTHLY COMPENSATION OF THE BOARD OF DIRECTORS OF THE CHICKASAWHAY  
34 NATURAL GAS DISTRICT; TO INCREASE FROM TWO HUNDRED FIFTY DOLLARS  
35 TO FIVE HUNDRED FIFTY DOLLARS THE MONTHLY COMPENSATION OF THE  
36 CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE DISTRICT; AND FOR  
37 RELATED PURPOSES.

HR26\SB2297PH.J

Andrew Ketchings  
Clerk of the House of Representatives