

**Adopted
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 170

BY: Representative Bain

1 **AMEND** on lines 137 and 138 by deleting the language "The fund
2 shall be a continuing fund, not subject to fiscal-year
3 limitations, and shall consist of:" and inserting in lieu thereof
4 the following: "The fund shall be expended by the Administrative
5 Office of Courts upon appropriation by the Legislature, and shall
6 consist of:"

7 **AMEND FURTHER** by deleting Section 10 in its entirety and
8 inserting in lieu thereof the following:

9 **"SECTION 10.** 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.....\$ 90.50

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

59 FUND	AMOUNT
60 Crime Victims' Compensation Fund..... [Deleted]	
61 State Court Education Fund..... [Deleted]	
62 State Prosecutor Education Fund..... [Deleted]	
63 Vulnerable Persons Training,	



64 Investigation and Prosecution Trust Fund.....[Deleted]
65 Child Support Prosecution Trust Fund.....[Deleted]
66 Driver Training Penalty Assessment Fund.....[Deleted]
67 Law Enforcement Officers Training Fund.....[Deleted]
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 Domestic Abuse Court Fund.....\$1.00
 93 General Fund.....\$243.50
 94 * * *TOTAL STATE ASSESSMENT.....\$ * * *244.50

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

101 FUND	AMOUNT
102 State Court Education Fund.....	[Deleted]
103 State Prosecutor Education Fund.....	[Deleted]
104 Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	[Deleted]
106 Law Enforcement Officers Training Fund.....	[Deleted]
107 Hunter Education and Training Program Fund.....	[Deleted]
108 Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	[Deleted]
110 Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	[Deleted]
112 State Prosecutor Compensation Fund for the purpose of providing additional compensation for district	



114 attorneys and their legal assistants.....[Deleted]
115 Crisis Intervention Mental Health Fund.....[Deleted]
116 Intervention Court Fund.....[Deleted]
117 Capital Defense Counsel Fund.....[Deleted]
118 Indigent Appeals Fund.....[Deleted]
119 Capital Post-Conviction Counsel Fund.....[Deleted]
120 Victims of Domestic Violence Fund.....[Deleted]
121 Public Defenders Education Fund.....[Deleted]
122 Domestic Violence Training Fund.....[Deleted]
123 Attorney General's Cyber Crime Unit.....[Deleted]
124 Domestic Abuse Court Fund.....\$1.00
125 General Fund.....\$89.00
126 * * *TOTAL STATE ASSESSMENT.....\$ * * *90.00

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.....	[Deleted]
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 Domestic Abuse Court Fund.....\$1.00
188 General Fund.....\$121.75



189 * * *TOTAL STATE ASSESSMENT.....\$ * * *122.75

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

196 FUND	AMOUNT
197 Crime Victims' Compensation Fund.....	[Deleted]
198 State Court Education Fund.....	[Deleted]
199 State Prosecutor Education Fund.....	[Deleted]
200 Vulnerable Persons Training, Investigation 201 and Prosecution Trust Fund.....	[Deleted]
202 Child Support Prosecution Trust Fund.....	[Deleted]
203 Law Enforcement Officers Training Fund.....	[Deleted]
204 Capital Defense Counsel Fund.....	[Deleted]
205 Indigent Appeals Fund.....	[Deleted]
206 Capital Post-Conviction Counsel Fund.....	[Deleted]
207 Victims of Domestic Violence Fund.....	[Deleted]
208 Criminal Justice Fund.....	[Deleted]
209 Law Enforcement Officers and Fire Fighters 210 Death Benefits Trust Fund.....	[Deleted]
211 Law Enforcement Officers and Fire Fighters 212 Disability Benefits Trust Fund.....	[Deleted]
213 State Prosecutor Compensation Fund for the purpose	



214 of providing additional compensation for
215 district attorneys and their legal assistants.....[Deleted]
216 Crisis Intervention Mental Health Fund.....[Deleted]
217 Intervention Court Fund.....[Deleted]
218 Statewide Victims' Information and
219 Notification System Fund.....[Deleted]
220 Public Defenders Education Fund.....[Deleted]
221 Domestic Violence Training Fund.....[Deleted]
222 Attorney General's Cyber Crime Unit.....[Deleted]
223 Forensics Laboratory DNA Identification System Fund.....[Deleted]
224 Domestic Abuse Court Fund.....\$1.00
225 General Fund.....\$280.50
226 * * *TOTAL STATE ASSESSMENT.....\$ * * *281.50

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

228 (a) **Railroad crossing violations.** In addition to any
229 monetary penalties and any other penalties imposed by law, there
230 shall be imposed and collected the following state assessment in
231 addition to all other state assessments due under this section
232 from each person upon whom a court imposes a fine or other penalty
233 for any violation involving railroad crossings under Section
234 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

235 Operation Lifesaver Fund.....\$25.00

236 (b) **Drug violations.** In addition to any monetary
237 penalties and any other penalties imposed by law, there shall be
238 imposed and collected the following state assessment in addition



239 to all other state assessments due under this section from each
240 person upon whom a court imposes a fine or other penalty for any
241 violation of Section 41-29-139:

242 Drug Evidence Disposition Fund.....\$25.00
243 Mississippi Foster Care Fund.....\$2.00

244 (c) **Motor vehicle liability insurance violations.** In
245 addition to any monetary penalties and any other penalties imposed
246 by law, there shall be imposed and collected the following state
247 assessment in addition to all other state assessments due under
248 this section from each person upon whom a court imposes a fine or
249 other penalty for any violation of Section 63-15-4(4) or Section
250 63-16-13(1):

251 Uninsured Motorist Identification Fund:
252 First offense.....\$200.00
253 Second offense.....\$300.00
254 Third or subsequent offense.....\$400.00

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

260 (10) (a) After a determination by the court of the amount
261 due, it shall be the duty of the clerk of the court to promptly
262 collect all state assessments imposed under the provisions of this



263 section. The state assessments imposed under the provisions of
264 this section may not be paid by personal check.

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

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



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

294 (12) The State Auditor shall establish by regulation
295 procedures for refunds of state assessments, including refunds
296 associated with assessments imposed before July 1, 1990, and
297 refunds after appeals in which the defendant's conviction is
298 reversed. The Auditor shall provide in the regulations for
299 certification of eligibility for refunds and may require the
300 defendant seeking a refund to submit a verified copy of a court
301 order or abstract by which the defendant is entitled to a refund.
302 All refunds of state assessments shall be made in accordance with
303 the procedures established by the Auditor."

