

PROPOSED HOUSE AMENDMENT TO SENATE BILL NO. 2297

BY: HINS

Amend 2

Amend AFTER LINE 97 with the following
LANGUAGE:

1 AN ACT TO CREATE NEW SECTIONS 9-23-101, 9-23-103, 9-23-105,
2 9-23-107, 9-23-109, 9-23-111, 9-23-113 AND 9-23-115, MISSISSIPPI
3 CODE OF 1972, TO PROVIDE AUTHORITY FOR A CHANCERY OR COUNTY COURT
4 TO ESTABLISH A DOMESTIC ABUSE COURT AND TO PROVIDE AUTHORITY FOR
5 JUSTICE AND MUNICIPAL COURTS TO PARTICIPATE IN SUCH A COURT; TO
6 DEFINE CERTAIN TERMS; TO PROVIDE FOR THE ENACTMENT OF STANDARDS OF
7 OPERATION TO GOVERN THE OPERATION OF DOMESTIC ABUSE COURTS BY THE
8 ADMINISTRATIVE OFFICE OF COURTS; TO CREATE THE DOMESTIC ABUSE
9 COURT SPECIAL FUND; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF
10 1972, TO PROVIDE AN ASSESSMENT TO FUND DOMESTIC ABUSE COURTS; TO
11 AMEND SECTIONS 9-5-81 AND 9-9-21, MISSISSIPPI CODE OF 1972, TO
12 CONFORM; AND FOR RELATED PURPOSES.

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

14 SECTION 1. The Legislature finds that:

15 (a) Domestic violence is a serious issue that causes
16 substantial damage to victims and children as well as to the
17 community. Families experiencing domestic violence are often
18 involved in more than one (1) court proceeding including divorce
19 and custody cases, civil and criminal proceedings regarding
20 domestic violence, substance abuse and child protection.
21 Substantial state and county resources are required each year for
22 the incarceration, supervision and treatment of batterers.



23 (b) Domestic abuse courts hold offenders accountable,
24 increase victim safety, provide greater judicial monitoring, and
25 coordinate information to provide effective interaction and use of
26 resources among the courts, justice system personnel and community
27 agencies. Effective case management and coordination ensures that
28 decisions in one (1) case do not conflict with existing orders in
29 other civil and criminal cases and provide courts with the
30 necessary information to protect victims and families.

31 (c) Domestic abuse courts have proven effective in
32 reducing recidivism and increasing victim safety. It is in the
33 best interests of the citizens of this state to authorize the
34 establishment of domestic abuse courts.

35 **SECTION 2.** The following shall be codified as Section
36 9-23-101, Mississippi Code of 1972:

37 9-23-101. (1) A domestic abuse court is a court focused on
38 the safety of the victim and the accountability of the offender
39 by:

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

42 (b) Linking victims to programs and services by
43 effective collaboration with social service providers and other
44 stakeholders to refer victims to appropriate and available
45 community services based on risk and need;

46 (c) Linking eligible civil respondents to programs and
47 services by effective collaboration with social service providers



48 and other stakeholders to refer such individuals to appropriate
49 and available community services based on risk and need;

50 (d) Linking eligible criminal defendants to programs
51 and services by effective collaboration with social service
52 providers and other stakeholders to refer defendants to
53 appropriate and available community services based on risk and
54 need; and

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

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

62 **SECTION 3.** The following shall be codified as Section
63 9-23-103, Mississippi Code of 1972:

64 9-23-103. Any chancery or county court may establish a
65 domestic abuse court program. Any municipal and justice court is
66 authorized to participate in a domestic abuse court program
67 established in the county.

68 **SECTION 4.** The following shall be codified as Section
69 9-23-105, Mississippi Code of 1972:

70 9-23-105. (1) A domestic abuse court and accompanying
71 services of the domestic abuse court shall be available only to
72 individuals over whom the court has established jurisdiction.



73 (2) A domestic abuse court that does not have felony
74 jurisdiction may assume jurisdiction over an individual convicted
75 of a felony from another court within the county upon entry of an
76 appropriate order by the criminal court referring that individual
77 to the domestic abuse court for the purpose of participation in
78 the domestic abuse court program.

79 **SECTION 5.** The following shall be codified as Section
80 9-23-107, Mississippi Code of 1972:

81 9-23-107. (1) The Administrative Office of Courts shall
82 develop uniform standards for operation of a domestic abuse court.
83 Any domestic abuse court shall operate pursuant to those
84 standards. Such standards shall, at a minimum, include provisions
85 for:

- 86 (a) Establishment and coordination of the domestic
87 abuse court;
- 88 (b) Funding for the domestic abuse court;
- 89 (c) Procedural matters;
- 90 (d) Referral protocols;
- 91 (e) Participant eligibility;
- 92 (f) Services to be made available to participants
93 referred to the court; and
- 94 (g) Roles and duties of the court, which shall include,
95 but not be limited to, assessment, referral, case management,
96 supervision and evaluation.



97 (2) Any court wishing to adopt local rules for the
98 coordination of services and to address court procedures that may
99 vary from those established by the Administrative Office of Courts
100 shall submit those rules to the Administrative Office of Courts
101 for approval prior to implementation.

102 **SECTION 6.** The following shall be codified as Section
103 9-23-109, Mississippi Code of 1972:

104 9-23-109. A domestic abuse court may hire employees
105 necessary to carry out the functions of the court, including, but
106 not limited to, an administrator, case manager, counselor or
107 clerical staff.

108 **SECTION 7.** The following shall be codified as Section
109 9-23-111, Mississippi Code of 1972:

110 9-23-111. Nothing herein shall be construed to guarantee any
111 individual the right to participate in a domestic abuse court
112 program.

113 **SECTION 8.** The following shall be codified as Section
114 9-23-113, Mississippi Code of 1972:

115 9-23-113. (1) All monies received from any source by the
116 domestic abuse court shall be accumulated in a fund to be used
117 only for domestic abuse court purposes. Any funds remaining in
118 this fund at the end of a fiscal year shall not lapse into any
119 general fund, but shall be retained in the Domestic Abuse Court
120 Fund for the funding of further activities by the domestic abuse
121 court.



122 (2) A domestic abuse court may apply for and receive the
123 following:

- 124 (a) Gifts, bequests and donations from private sources.
125 (b) Grant and contract money from governmental sources.
126 (c) Other forms of financial assistance approved by the
127 court to supplement the budget of the domestic abuse court.

128 **SECTION 9.** The following shall be codified as Section
129 9-23-115, Mississippi Code of 1972:

130 9-23-115. There is created in the State Treasury a special
131 interest-bearing fund to be known as the Domestic Abuse Court
132 Fund. The purpose of the fund shall be to provide supplemental
133 funding to all domestic abuse courts in the state. Monies from
134 the fund shall be distributed by the State Treasurer upon warrants
135 issued by the Administrative Office of Courts to assist domestic
136 abuse courts. The fund shall be expended by the Administrative
137 Office of Courts upon appropriation by the Legislature, and shall
138 consist of: (a) monies appropriated by the Legislature for the
139 purposes of funding domestic abuse courts; (b) the interest
140 accruing to the fund; (c) monies received under the provisions of
141 Section 99-19-73; (d) monies received from the federal government;
142 and (e) monies received from such other sources as may be provided
143 by law.

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



146 99-19-73. (1) **Traffic violations.** In addition to any
147 monetary penalties and any other penalties imposed by law, there
148 shall be imposed and collected the following state assessment from
149 each person upon whom a court imposes a fine or other penalty for
150 any violation in Title 63, Mississippi Code of 1972, except
151 offenses relating to the Mississippi Implied Consent Law (Section
152 63-11-1 et seq.) and offenses relating to vehicular parking or
153 registration:

154	FUND	AMOUNT
155	State Court Education Fund.....	[Deleted]
156	State Prosecutor Education Fund.....	[Deleted]
157	Vulnerable Persons Training, 158 Investigation and Prosecution Trust Fund.....	[Deleted]
159	Child Support Prosecution Trust Fund.....	[Deleted]
160	Driver Training Penalty Assessment Fund.....	[Deleted]
161	Law Enforcement Officers Training Fund.....	[Deleted]
162	Spinal Cord and Head Injury Trust Fund 163 (for all moving violations).....	[Deleted]
164	Emergency Medical Services Operating Fund.....	[Deleted]
165	Mississippi Leadership Council on Aging Fund.....	[Deleted]
166	Law Enforcement Officers and Fire Fighters 167 Death Benefits Trust Fund.....	[Deleted]
168	Law Enforcement Officers and Fire Fighters 169 Disability Benefits Trust Fund.....	[Deleted]
170	State Prosecutor Compensation Fund for the purpose	



171 of providing additional compensation for
 172 district attorneys and their legal assistants.....[Deleted]
 173 Crisis Intervention Mental Health Fund.....[Deleted]
 174 Intervention Court Fund.....[Deleted]
 175 Judicial Performance Fund.....[Deleted]
 176 Capital Defense Counsel Fund.....[Deleted]
 177 Indigent Appeals Fund.....[Deleted]
 178 Capital Post-Conviction Counsel Fund.....[Deleted]
 179 Victims of Domestic Violence Fund.....[Deleted]
 180 Public Defenders Education Fund.....[Deleted]
 181 Domestic Violence Training Fund.....[Deleted]
 182 Attorney General's Cyber Crime Unit.....[Deleted]
 183 Children's Safe Center Fund.....[Deleted]
 184 DuBard School for Language Disorders Fund.....[Deleted]
 185 Children's Advocacy Centers Fund.....[Deleted]
 186 Judicial System Operation Fund.....[Deleted]
 187 GENERAL FUND.....\$ 90.50

188 (2) **Implied Consent Law violations.** In addition to any
 189 monetary penalties and any other penalties imposed by law, there
 190 shall be imposed and collected the following state assessment from
 191 each person upon whom a court imposes a fine or any other penalty
 192 for any violation of the Mississippi Implied Consent Law (Section
 193 63-11-1 et seq.):

194 FUND	AMOUNT
195 Crime Victims' Compensation Fund.....[Deleted]	



- 196 State Court Education Fund..... [Deleted]
- 197 State Prosecutor Education Fund..... [Deleted]
- 198 Vulnerable Persons Training,
- 199 Investigation and Prosecution Trust Fund..... [Deleted]
- 200 Child Support Prosecution Trust Fund..... [Deleted]
- 201 Driver Training Penalty Assessment Fund..... [Deleted]
- 202 Law Enforcement Officers Training Fund..... [Deleted]
- 203 Emergency Medical Services Operating Fund..... [Deleted]
- 204 Mississippi Alcohol Safety Education Program Fund..... [Deleted]
- 205 Federal-State Alcohol Program Fund..... [Deleted]
- 206 Mississippi Forensics Laboratory
- 207 Implied Consent Law Fund..... [Deleted]
- 208 Spinal Cord and Head Injury Trust Fund..... [Deleted]
- 209 Capital Defense Counsel Fund..... [Deleted]
- 210 Indigent Appeals Fund..... [Deleted]
- 211 Capital Post-Conviction Counsel Fund..... [Deleted]
- 212 Victims of Domestic Violence Fund..... [Deleted]
- 213 Law Enforcement Officers and Fire Fighters
- 214 Death Benefits Trust Fund..... [Deleted]
- 215 Law Enforcement Officers and Fire Fighters
- 216 Disability Benefits Trust Fund..... [Deleted]
- 217 State Prosecutor Compensation Fund for the purpose
- 218 of providing additional compensation for
- 219 district attorneys and their legal assistants..... [Deleted]
- 220 Crisis Intervention Mental Health Fund..... [Deleted]



221 Intervention Court Fund.....[Deleted]
 222 Statewide Victims' Information and
 223 Notification System Fund.....[Deleted]
 224 Public Defenders Education Fund.....[Deleted]
 225 Domestic Violence Training Fund.....[Deleted]
 226 Attorney General's Cyber Crime Unit.....[Deleted]
 227 Domestic Abuse Court Fund.....\$1.00
 228 General Fund.....\$243.50
 229 * * *TOTAL STATE ASSESSMENT.....\$ * * *244.50

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

236 FUND	AMOUNT
237 State Court Education Fund.....	[Deleted]
238 State Prosecutor Education Fund.....	[Deleted]
239 Vulnerable Persons Training, 240 Investigation and Prosecution Trust Fund.....	[Deleted]
241 Law Enforcement Officers Training Fund.....	[Deleted]
242 Hunter Education and Training Program Fund.....	[Deleted]
243 Law Enforcement Officers and Fire Fighters 244 Death Benefits Trust Fund.....	[Deleted]
245 Law Enforcement Officers and Fire Fighters	



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

247 State Prosecutor Compensation Fund for the purpose

248 of providing additional compensation for district

249 attorneys and their legal assistants.....[Deleted]

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

251 Intervention Court Fund.....[Deleted]

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

253 Indigent Appeals Fund.....[Deleted]

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

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

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

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

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

259 Domestic Abuse Court Fund.....\$1.00

260 General Fund.....\$89.00

261 * * *TOTAL STATE ASSESSMENT.....\$ * * *90.00

262 (4) [Deleted]

263 (5) **Speeding, reckless and careless driving violations.** In

264 addition to any assessment imposed under subsection (1) or (2) of

265 this section, there shall be imposed and collected the following

266 state assessment from each person upon whom a court imposes a fine

267 or other penalty for driving a vehicle on a road or highway:

268 (a) At a speed that exceeds the posted speed limit by

269 at least ten (10) miles per hour but not more than twenty (20)

270 miles per hour.....\$10.00



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

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

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

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

280 All assessments collected under this subsection shall be
281 deposited into the State General Fund.

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

289	FUND	AMOUNT
290	Crime Victims' Compensation Fund.....	[Deleted]
291	State Court Education Fund.....	[Deleted]
292	State Prosecutor Education Fund.....	[Deleted]
293	Vulnerable Persons Training, Investigation	
294	and Prosecution Trust Fund.....	[Deleted]
295	Child Support Prosecution Trust Fund.....	[Deleted]



296 Law Enforcement Officers Training Fund..... [Deleted]
297 Capital Defense Counsel Fund..... [Deleted]
298 Indigent Appeals Fund..... [Deleted]
299 Capital Post-Conviction Counsel Fund..... [Deleted]
300 Victims of Domestic Violence Fund..... [Deleted]
301 State Crime Stoppers Fund..... [Deleted]
302 Law Enforcement Officers and Fire Fighters
303 Death Benefits Trust Fund..... [Deleted]
304 Law Enforcement Officers and Fire Fighters
305 Disability Benefits Trust Fund..... [Deleted]
306 State Prosecutor Compensation Fund for the purpose
307 of providing additional compensation for
308 district attorneys and their legal assistants..... [Deleted]
309 Crisis Intervention Mental Health Fund..... [Deleted]
310 Intervention Court Fund..... [Deleted]
311 Judicial Performance Fund..... [Deleted]
312 Statewide Victims' Information and
313 Notification System Fund..... [Deleted]
314 Public Defenders Education Fund..... [Deleted]
315 Domestic Violence Training Fund..... [Deleted]
316 Attorney General's Cyber Crime Unit..... [Deleted]
317 Information Exchange Network Fund..... [Deleted]
318 Motorcycle Officer Training Fund..... [Deleted]
319 Civil Legal Assistance Fund..... [Deleted]
320 Justice Court Collections Fund..... [Deleted]



321 Municipal Court Collections Fund.....[Deleted]
 322 Domestic Abuse Court Fund.....\$1.00
 323 General Fund.....\$121.75
 324 * * *TOTAL STATE ASSESSMENT.....\$ * * *122.75

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

331 FUND	AMOUNT
332 Crime Victims' Compensation Fund.....	[Deleted]
333 State Court Education Fund.....	[Deleted]
334 State Prosecutor Education Fund.....	[Deleted]
335 Vulnerable Persons Training, Investigation 336 and Prosecution Trust Fund.....	[Deleted]
337 Child Support Prosecution Trust Fund.....	[Deleted]
338 Law Enforcement Officers Training Fund.....	[Deleted]
339 Capital Defense Counsel Fund.....	[Deleted]
340 Indigent Appeals Fund.....	[Deleted]
341 Capital Post-Conviction Counsel Fund.....	[Deleted]
342 Victims of Domestic Violence Fund.....	[Deleted]
343 Criminal Justice Fund.....	[Deleted]
344 Law Enforcement Officers and Fire Fighters 345 Death Benefits Trust Fund.....	[Deleted]



346 Law Enforcement Officers and Fire Fighters
 347 Disability Benefits Trust Fund.....[Deleted]
 348 State Prosecutor Compensation Fund for the purpose
 349 of providing additional compensation for
 350 district attorneys and their legal assistants.....[Deleted]
 351 Crisis Intervention Mental Health Fund.....[Deleted]
 352 Intervention Court Fund.....[Deleted]
 353 Statewide Victims' Information and
 354 Notification System Fund.....[Deleted]
 355 Public Defenders Education Fund.....[Deleted]
 356 Domestic Violence Training Fund.....[Deleted]
 357 Attorney General's Cyber Crime Unit.....[Deleted]
 358 Forensics Laboratory DNA Identification System Fund.....[Deleted]
 359 Domestic Abuse Court Fund.....\$1.00
 360 General Fund.....\$280.50
 361 * * *TOTAL STATE ASSESSMENT.....\$ * * *281.50
 362 (8) **Additional assessments on certain violations:**
 363 (a) **Railroad crossing violations.** In addition to any
 364 monetary penalties and any other penalties imposed by law, there
 365 shall be imposed and collected the following state assessment in
 366 addition to all other state assessments due under this section
 367 from each person upon whom a court imposes a fine or other penalty
 368 for any violation involving railroad crossings under Section
 369 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:
 370 Operation Lifesaver Fund.....\$25.00



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

377 Drug Evidence Disposition Fund.....\$25.00
378 Mississippi Foster Care Fund.....\$2.00

379 (c) **Motor vehicle liability insurance violations.** In
380 addition to any monetary penalties and any other penalties imposed
381 by law, there shall be imposed and collected the following state
382 assessment in addition to all other state assessments due under
383 this section from each person upon whom a court imposes a fine or
384 other penalty for any violation of Section 63-15-4(4) or Section
385 63-16-13(1):

386 Uninsured Motorist Identification Fund:
387 First offense.....\$200.00
388 Second offense.....\$300.00
389 Third or subsequent offense.....\$400.00

390 (9) If a fine or other penalty imposed is suspended, in
391 whole or in part, such suspension shall not affect the state
392 assessment under this section. No state assessment imposed under
393 the provisions of this section may be suspended or reduced by the
394 court.



395 (10) (a) After a determination by the court of the amount
396 due, it shall be the duty of the clerk of the court to promptly
397 collect all state assessments imposed under the provisions of this
398 section. The state assessments imposed under the provisions of
399 this section may not be paid by personal check.

400 (b) It shall be the duty of the chancery clerk of each
401 county to deposit all state assessments collected in the circuit,
402 county and justice courts in the county on a monthly basis with
403 the State Treasurer pursuant to appropriate procedures established
404 by the State Auditor. The chancery clerk shall make a monthly
405 lump-sum deposit of the total state assessments collected in the
406 circuit, county and justice courts in the county under this
407 section, and shall report to the Department of Finance and
408 Administration the total number of violations under each
409 subsection for which state assessments were collected in the
410 circuit, county and justice courts in the county during that
411 month.

412 (c) It shall be the duty of the municipal clerk of each
413 municipality to deposit all the state assessments collected in the
414 municipal court in the municipality on a monthly basis with the
415 State Treasurer pursuant to appropriate procedures established by
416 the State Auditor. The municipal clerk shall make a monthly
417 lump-sum deposit of the total state assessments collected in the
418 municipal court in the municipality under this section, and shall
419 report to the Department of Finance and Administration the total



420 number of violations under each subsection for which state
421 assessments were collected in the municipal court in the
422 municipality during that month.

423 (11) It shall be the duty of the Department of Finance and
424 Administration to deposit on a monthly basis all state assessments
425 into the State General Fund or proper special fund in the State
426 Treasury. The Department of Finance and Administration shall
427 issue regulations providing for the proper allocation of these
428 funds.

429 (12) The State Auditor shall establish by regulation
430 procedures for refunds of state assessments, including refunds
431 associated with assessments imposed before July 1, 1990, and
432 refunds after appeals in which the defendant's conviction is
433 reversed. The Auditor shall provide in the regulations for
434 certification of eligibility for refunds and may require the
435 defendant seeking a refund to submit a verified copy of a court
436 order or abstract by which the defendant is entitled to a refund.
437 All refunds of state assessments shall be made in accordance with
438 the procedures established by the Auditor."

439 **SECTION 11.** Section 9-5-81, Mississippi Code of 1972, is
440 amended as follows:

441 9-5-81. The chancery court in addition to the full
442 jurisdiction in all the matters and cases expressly conferred upon
443 it by the Constitution shall have jurisdiction of all cases
444 transferred to it by the circuit court or remanded to it by the



445 Supreme Court; and such further jurisdiction, as is, in this
446 chapter or elsewhere, provided by law. A chancery court is
447 authorized to establish a domestic abuse court as provided in
448 Sections 1 through 9 of this act.

449 **SECTION 12.** Section 9-9-21, Mississippi Code of 1972, is
450 amended as follows:

451 9-9-21. (1) The jurisdiction of the county court shall be
452 as follows: It shall have jurisdiction concurrent with the
453 justice court in all matters, civil and criminal of which the
454 justice court has jurisdiction; and it shall have jurisdiction
455 concurrent with the circuit and chancery courts in all matters of
456 law and equity wherein the amount of value of the thing in
457 controversy shall not exceed, exclusive of costs and interest, the
458 sum of Two Hundred Thousand Dollars (\$200,000.00), and the
459 jurisdiction of the county court shall not be affected by any
460 setoff, counterclaim or cross-bill in such actions where the
461 amount sought to be recovered in such setoff, counterclaim or
462 cross-bill exceeds Two Hundred Thousand Dollars (\$200,000.00).
463 Provided, however, the party filing such setoff, counterclaim or
464 cross-bill which exceeds Two Hundred Thousand Dollars
465 (\$200,000.00) shall give notice to the opposite party or parties
466 as provided in Section 13-3-83, and on motion of all parties filed
467 within twenty (20) days after the filing of such setoff,
468 counterclaim or cross-bill, the county court shall transfer the
469 case to the circuit or chancery court wherein the county court is



470 situated and which would otherwise have jurisdiction. It shall
471 have exclusively the jurisdiction heretofore exercised by the
472 justice court in the following matters and causes: namely,
473 eminent domain, the partition of personal property, and actions of
474 unlawful entry and detainer, provided that the actions of eminent
475 domain and unlawful entry and detainer may be returnable and
476 triable before the judge of said court in vacation. The county
477 court shall have jurisdiction over criminal matters in the county
478 assigned by a judge of the circuit court district in which the
479 county is included.

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

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

488 **SECTION 13.** This act shall take effect and be in force from
489 and after July 1, 2023.



**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 * * * ~~GENERAL FUND~~TOTAL STATE ASSESSMENT\$ * * *~~243.50~~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:

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 * * * ~~GENERAL FUND~~TOTAL STATE ASSESSMENT.\$ * * *~~89.00~~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 * * * ~~GENERAL FUND~~ TOTAL STATE ASSESSMENT..\$ * * * ~~121.75~~ 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 and Prosecution Trust Fund.....	[Deleted]
201	Child Support Prosecution Trust Fund.....	[Deleted]
202	Law Enforcement Officers Training Fund.....	[Deleted]
203	Capital Defense Council 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 Death Benefits Trust Fund.....	[Deleted]
209	Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	[Deleted]
210	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 * * * ~~GENERAL FUND~~ TOTAL STATE ASSESSMENT\$ * * *~~280.50~~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."

