

By: Senator(s) Barrett, Simmons (12th)

To: Judiciary, Division A

SENATE BILL NO. 2032

1 AN ACT TO AMEND SECTION 9-1-59, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT PUBLIC DEFENDERS SHALL HAVE FREE ACCESS TO THE
3 MISSISSIPPI ELECTRONIC COURT SYSTEM RECORDS FOR MATTERS INVOLVING
4 INDIGENT DEFENDANTS; TO BRING FORWARD SECTION 99-19-73,
5 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 9-1-59, Mississippi Code of 1972, is
9 amended as follows:

10 9-1-59. (1) Each circuit, chancery and county court in this
11 state shall require all pleadings and other papers to be served,
12 filed, signed or verified by electronic means in conformity with
13 the Mississippi Electronic Court System procedures by July 1,
14 2021.

15 (2) Public defenders shall have free access to the
16 Mississippi Electronic Court System records for matters involving
17 indigent defendants.

18 **SECTION 2.** Section 99-19-73, Mississippi Code of 1972, is
19 brought forward as follows:



20 99-19-73. (1) **Traffic violations.** In addition to any
21 monetary penalties and any other penalties imposed by law, there
22 shall be imposed and collected the following state assessment from
23 each person upon whom a court imposes a fine or other penalty for
24 any violation in Title 63, Mississippi Code of 1972, except
25 offenses relating to the Mississippi Implied Consent Law (Section
26 63-11-1 et seq.) and offenses relating to vehicular parking or
27 registration:

28	FUND	AMOUNT
29	State Court Education Fund.....	[Deleted]
30	State Prosecutor Education Fund.....	[Deleted]
31	Vulnerable Persons Training,	
32	Investigation and Prosecution Trust Fund.....	[Deleted]
33	Child Support Prosecution Trust Fund.....	[Deleted]
34	Driver Training Penalty Assessment Fund.....	[Deleted]
35	Law Enforcement Officers Training Fund.....	[Deleted]
36	Spinal Cord and Head Injury Trust Fund	
37	(for all moving violations).....	[Deleted]
38	Emergency Medical Services Operating Fund.....	[Deleted]
39	Mississippi Leadership Council on Aging Fund.....	[Deleted]
40	Law Enforcement Officers and Fire Fighters	
41	Death Benefits Trust Fund.....	[Deleted]
42	Law Enforcement Officers and Fire Fighters	
43	Disability Benefits Trust Fund.....	[Deleted]
44	State Prosecutor Compensation Fund for the purpose	



45 of providing additional compensation for
 46 district attorneys and their legal assistants.....[Deleted]
 47 Crisis Intervention Mental Health Fund.....[Deleted]
 48 Intervention Court Fund.....[Deleted]
 49 Judicial Performance Fund.....[Deleted]
 50 Capital Defense Counsel Fund.....[Deleted]
 51 Indigent Appeals Fund.....[Deleted]
 52 Capital Post-Conviction Counsel Fund.....[Deleted]
 53 Victims of Domestic Violence Fund.....[Deleted]
 54 Public Defenders Education Fund.....[Deleted]
 55 Domestic Violence Training Fund.....[Deleted]
 56 Attorney General's Cyber Crime Unit.....[Deleted]
 57 Children's Safe Center Fund.....[Deleted]
 58 DuBard School for Language Disorders Fund.....[Deleted]
 59 Children's Advocacy Centers Fund.....[Deleted]
 60 Judicial System Operation Fund.....[Deleted]
 61 GENERAL FUND.....\$ 90.50

62 (2) **Implied Consent Law violations.** In addition to any
 63 monetary penalties and any other penalties imposed by law, there
 64 shall be imposed and collected the following state assessment from
 65 each person upon whom a court imposes a fine or any other penalty
 66 for any violation of the Mississippi Implied Consent Law (Section
 67 63-11-1 et seq.):

68 FUND	AMOUNT
69 Crime Victims' Compensation Fund.....[Deleted]	



70 State Court Education Fund.....[Deleted]
71 State Prosecutor Education Fund.....[Deleted]
72 Vulnerable Persons Training,
73 Investigation and Prosecution Trust Fund.....[Deleted]
74 Child Support Prosecution Trust Fund.....[Deleted]
75 Driver Training Penalty Assessment Fund.....[Deleted]
76 Law Enforcement Officers Training Fund.....[Deleted]
77 Emergency Medical Services Operating Fund.....[Deleted]
78 Mississippi Alcohol Safety Education Program Fund.....[Deleted]
79 Federal-State Alcohol Program Fund.....[Deleted]
80 Mississippi Forensics Laboratory
81 Implied Consent Law Fund.....[Deleted]
82 Spinal Cord and Head Injury Trust Fund.....[Deleted]
83 Capital Defense Counsel Fund.....[Deleted]
84 Indigent Appeals Fund.....[Deleted]
85 Capital Post-Conviction Counsel Fund.....[Deleted]
86 Victims of Domestic Violence Fund.....[Deleted]
87 Law Enforcement Officers and Fire Fighters
88 Death Benefits Trust Fund.....[Deleted]
89 Law Enforcement Officers and Fire Fighters
90 Disability Benefits Trust Fund.....[Deleted]
91 State Prosecutor Compensation Fund for the purpose
92 of providing additional compensation for
93 district attorneys and their legal assistants.....[Deleted]
94 Crisis Intervention Mental Health Fund.....[Deleted]



95 Intervention Court Fund.....[Deleted]
96 Statewide Victims' Information and
97 Notification System Fund.....[Deleted]
98 Public Defenders Education Fund.....[Deleted]
99 Domestic Violence Training Fund.....[Deleted]
100 Attorney General's Cyber Crime Unit.....[Deleted]
101 GENERAL FUND.....\$ 243.50

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

108	FUND	AMOUNT
109	State Court Education Fund.....	[Deleted]
110	State Prosecutor Education Fund.....	[Deleted]
111	Vulnerable Persons Training,	
112	Investigation and Prosecution Trust Fund.....	[Deleted]
113	Law Enforcement Officers Training Fund.....	[Deleted]
114	Hunter Education and Training Program Fund.....	[Deleted]
115	Law Enforcement Officers and Fire Fighters	
116	Death Benefits Trust Fund.....	[Deleted]
117	Law Enforcement Officers and Fire Fighters	
118	Disability Benefits Trust Fund.....	[Deleted]
119	State Prosecutor Compensation Fund for the purpose	



120 of providing additional compensation for district
121 attorneys and their legal assistants.....[Deleted]
122 Crisis Intervention Mental Health Fund.....[Deleted]
123 Intervention Court Fund.....[Deleted]
124 Capital Defense Counsel Fund.....[Deleted]
125 Indigent Appeals Fund.....[Deleted]
126 Capital Post-Conviction Counsel Fund.....[Deleted]
127 Victims of Domestic Violence Fund.....[Deleted]
128 Public Defenders Education Fund.....[Deleted]
129 Domestic Violence Training Fund.....[Deleted]
130 Attorney General's Cyber Crime Unit.....[Deleted]
131 GENERAL FUND.....\$ 89.00
132 (4) [Deleted]
133 (5) **Speeding, reckless and careless driving violations.** In
134 addition to any assessment imposed under subsection (1) or (2) of
135 this section, there shall be imposed and collected the following
136 state assessment from each person upon whom a court imposes a fine
137 or other penalty for driving a vehicle on a road or highway:
138 (a) At a speed that exceeds the posted speed limit by
139 at least ten (10) miles per hour but not more than twenty (20)
140 miles per hour.....\$10.00
141 (b) At a speed that exceeds the posted speed limit by
142 at least twenty (20) miles per hour but not more than thirty (30)
143 miles per hour.....\$20.00



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

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

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

150 All assessments collected under this subsection shall be
151 deposited into the State General Fund.

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

159 FUND	AMOUNT
160 Crime Victims' Compensation Fund.....	[Deleted]
161 State Court Education Fund.....	[Deleted]
162 State Prosecutor Education Fund.....	[Deleted]
163 Vulnerable Persons Training, Investigation 164 and Prosecution Trust Fund.....	[Deleted]
165 Child Support Prosecution Trust Fund.....	[Deleted]
166 Law Enforcement Officers Training Fund.....	[Deleted]
167 Capital Defense Counsel Fund.....	[Deleted]
168 Indigent Appeals Fund.....	[Deleted]



169 Capital Post-Conviction Counsel Fund.....[Deleted]
 170 Victims of Domestic Violence Fund.....[Deleted]
 171 State Crime Stoppers Fund.....[Deleted]
 172 Law Enforcement Officers and Fire Fighters
 173 Death Benefits Trust Fund.....[Deleted]
 174 Law Enforcement Officers and Fire Fighters
 175 Disability Benefits Trust Fund.....[Deleted]
 176 State Prosecutor Compensation Fund for the purpose
 177 of providing additional compensation for
 178 district attorneys and their legal assistants.....[Deleted]
 179 Crisis Intervention Mental Health Fund.....[Deleted]
 180 Intervention Court Fund.....[Deleted]
 181 Judicial Performance Fund.....[Deleted]
 182 Statewide Victims' Information and
 183 Notification System Fund.....[Deleted]
 184 Public Defenders Education Fund.....[Deleted]
 185 Domestic Violence Training Fund.....[Deleted]
 186 Attorney General's Cyber Crime Unit.....[Deleted]
 187 Information Exchange Network Fund.....[Deleted]
 188 Motorcycle Officer Training Fund.....[Deleted]
 189 Civil Legal Assistance Fund.....[Deleted]
 190 Justice Court Collections Fund.....[Deleted]
 191 Municipal Court Collections Fund.....[Deleted]
 192 GENERAL FUND.....\$121.75



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

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



218 district attorneys and their legal assistants.....[Deleted]
219 Crisis Intervention Mental Health Fund.....[Deleted]
220 Intervention Court Fund.....[Deleted]
221 Statewide Victims' Information and
222 Notification System Fund.....[Deleted]
223 Public Defenders Education Fund.....[Deleted]
224 Domestic Violence Training Fund.....[Deleted]
225 Attorney General's Cyber Crime Unit.....[Deleted]
226 Forensics Laboratory DNA Identification System Fund.....[Deleted]
227 GENERAL FUND.....\$ 280.50

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

229 (a) **Railroad crossing violations.** In addition to any
230 monetary penalties and any other penalties imposed by law, there
231 shall be imposed and collected the following state assessment in
232 addition to all other state assessments due under this section
233 from each person upon whom a court imposes a fine or other penalty
234 for any violation involving railroad crossings under Section
235 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

236 Operation Lifesaver Fund.....\$25.00

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



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

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

245 (c) **Motor vehicle liability insurance violations.** In
246 addition to any monetary penalties and any other penalties imposed
247 by law, there shall be imposed and collected the following state
248 assessment in addition to all other state assessments due under
249 this section from each person upon whom a court imposes a fine or
250 other penalty for any violation of Section 63-15-4(4) or Section
251 63-16-13(1):

252 Uninsured Motorist Identification Fund:

253 First offense.....\$200.00

254 Second offense.....\$300.00

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

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

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

266 (b) It shall be the duty of the chancery clerk of each
267 county to deposit all state assessments collected in the circuit,



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

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

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



293 issue regulations providing for the proper allocation of these
294 funds.

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

305 **SECTION 3.** This act shall take effect and be in force from
306 and after July 1, 2025.

