

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:

	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:

	FUND	AMOUNT
108		
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:

	FUND	AMOUNT
159		
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:

	FUND	AMOUNT
199		
200	Crime Victims' Compensation Fund.....	[Deleted]
201	State Court Education Fund.....	[Deleted]
202	State Prosecutor Education Fund.....	[Deleted]
203	Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	[Deleted]
204		
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 Death Benefits Trust Fund.....	[Deleted]
213		
214	Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	[Deleted]
215		
216	State Prosecutor Compensation Fund for the purpose of providing additional compensation for	
217		



228 (8) Additional assessments on certain violations:

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



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.

