

By: Compretta

To: Judiciary B

HOUSE BILL NO. 552

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE ASSESSMENT ON TRAFFIC VIOLATIONS WHICH FUND THE  
3 STATE PROSECUTOR EDUCATION FUND; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 99-19-73, Mississippi Code of 1972, is  
6 amended as follows:

7 99-19-73. (1) **Traffic Violations.** In addition to any  
8 monetary penalties and any other penalties imposed by law, there  
9 shall be imposed and collected the following state assessment from  
10 each person upon whom a court imposes a fine or other penalty for  
11 any violation in Title 63, Mississippi Code of 1972, except  
12 offenses relating to the Mississippi Implied Consent Law (Section  
13 63-11-1 et seq.) and offenses relating to vehicular parking or  
14 registration:

FUND	AMOUNT
State Court Education Fund.....	\$ 1.50
State Prosecutor Education Fund.....	<u>1.00</u>
Driver Training Penalty Assessment Fund.....	7.00
Law Enforcement Officers Training Fund.....	5.00
Spinal Cord and Head Injury Trust Fund	
(for all moving violations).....	4.00
Emergency Medical Services Operating Fund.....	10.00
Mississippi Leadership Council on Aging	
Fund.....	1.00
TOTAL STATE ASSESSMENT.....	\$ <u>29.50</u>

26 (2) **Implied Consent Law Violations.** In addition to any

27 monetary penalties and any other penalties imposed by law, there  
 28 shall be imposed and collected the following state assessment from  
 29 each person upon whom a court imposes a fine or any other penalty  
 30 for any violation of the Mississippi Implied Consent Law (Section  
 31 63-11-1 et seq.):

32 FUND	AMOUNT
33 Crime Victims' Compensation Fund.....	\$ 10.00
34 State Court Education Fund.....	1.50
35 State Prosecutor Education Fund.....	.50
36 Driver Training Penalty Assessment Fund.....	22.00
37 Law Enforcement Officers Training Fund.....	11.00
38 Emergency Medical Services Operating Fund.....	10.00
39 Mississippi Alcohol Safety Education Program Fund.....	5.00
40 Federal-State Alcohol Program Fund.....	10.00
41 Mississippi Crime Laboratory	
42 Implied Consent Law Fund.....	25.00
43 Spinal Cord and Head Injury Trust Fund.....	25.00
44 State General Fund.....	35.00
45 TOTAL STATE ASSESSMENT.....	\$155.00

46 (3) **Game and Fish Law Violations.** In addition to any  
 47 monetary penalties and any other penalties imposed by law, there  
 48 shall be imposed and collected the following state assessment from  
 49 each person upon whom a court imposes a fine or other penalty for  
 50 any violation of the game and fish statutes or regulations of this  
 51 state:

52 FUND	AMOUNT
53 State Court Education Fund.....	\$ 1.50
54 State Prosecutor Education Fund.....	.50
55 Law Enforcement Officers Training Fund.....	5.00
56 Hunter Education and Training Program Fund.....	5.00
57 State General Fund.....	30.00
58 TOTAL STATE ASSESSMENT.....	\$ 42.00

59 (4) **Litter Law Violations.** In addition to any monetary

60 penalties and any other penalties imposed by law, there shall be  
61 imposed and collected the following state assessment from each  
62 person upon whom a court imposes a fine or other penalty for any  
63 violation of Section 97-15-29 or 97-15-30:

64	FUND	AMOUNT
65	Statewide Litter Prevention Fund.....	\$ 25.00
66	TOTAL STATE ASSESSMENT.....	\$ 25.00

67 (5) **Other Misdemeanors.** In addition to any monetary  
68 penalties and any other penalties imposed by law, there shall be  
69 imposed and collected the following state assessment from each  
70 person upon whom a court imposes a fine or other penalty for any  
71 misdemeanor violation not specified in subsection (1), (2) or (3)  
72 of this section, except offenses relating to vehicular parking or  
73 registration:

74	FUND	AMOUNT
75	Crime Victims' Compensation Fund.....	\$ 10.00
76	State Court Education Fund.....	1.50
77	State Prosecutor Education Fund.....	.50
78	Law Enforcement Officers Training Fund.....	5.00
79	State General Fund.....	30.00
80	State Crime Stoppers Fund.....	1.50
81	TOTAL STATE ASSESSMENT.....	\$ 48.50

82 (6) **Other Felonies.** In addition to any monetary penalties  
83 and any other penalties imposed by law, there shall be imposed and  
84 collected the following state assessment from each person upon  
85 whom a court imposes a fine or other penalty for any felony  
86 violation not specified in subsection (1), (2) or (3) of this  
87 section:

88	FUND	AMOUNT
89	Crime Victims' Compensation Fund.....	\$ 10.00
90	State Court Education Fund.....	1.50
91	State Prosecutor Education Fund.....	.50
92	Law Enforcement Officers Training Fund.....	5.00

93 State General Fund.....60.00  
94 Criminal Justice Fund.....50.00  
95 TOTAL STATE ASSESSMENT.....\$127.00

96 (7) If a fine or other penalty imposed is suspended, in  
97 whole or in part, such suspension shall not affect the state  
98 assessment under this section. No state assessment imposed under  
99 the provisions of this section may be suspended or reduced by the  
100 court.

101 (8) After a determination by the court of the amount due, it  
102 shall be the duty of the clerk of the court to promptly collect  
103 all state assessments imposed under the provisions of this  
104 section. The state assessments imposed under the provisions of  
105 this section may not be paid by personal check. It shall be the  
106 duty of the chancery clerk of each county to deposit all such  
107 state assessments collected in the circuit, county and justice  
108 courts in such county on a monthly basis with the State Treasurer  
109 pursuant to appropriate procedures established by the State  
110 Auditor. The chancery clerk shall make a monthly lump-sum deposit  
111 of the total state assessments collected in the circuit, county  
112 and justice courts in such county under this section, and shall  
113 report to the Department of Finance and Administration the total  
114 number of violations under each subsection for which state  
115 assessments were collected in the circuit, county and justice  
116 courts in such county during such month. It shall be the duty of  
117 the municipal clerk of each municipality to deposit all such state  
118 assessments collected in the municipal court in such municipality  
119 on a monthly basis with the State Treasurer pursuant to  
120 appropriate procedures established by the State Auditor. The  
121 municipal clerk shall make a monthly lump-sum deposit of the total  
122 state assessments collected in the municipal court in such  
123 municipality under this section, and shall report to the  
124 Department of Finance and Administration the total number of  
125 violations under each subsection for which state assessments were

126 collected in the municipal court in such municipality during such  
127 month.

128 (9) It shall be the duty of the Department of Finance and  
129 Administration to deposit on a monthly basis all such state  
130 assessments into the proper special fund in the State Treasury.  
131 The monthly deposit shall be based upon the number of violations  
132 reported under each subsection and the pro rata amount of such  
133 assessment due to the appropriate special fund. The Department of  
134 Finance and Administration shall issue regulations providing for  
135 the proper allocation of these special funds.

136 (10) The State Auditor shall establish by regulation  
137 procedures for refunds of state assessments, including refunds  
138 associated with assessments imposed before July 1, 1990, and  
139 refunds after appeals in which the defendant's conviction is  
140 reversed. The Auditor shall provide in such regulations for  
141 certification of eligibility for refunds and may require the  
142 defendant seeking a refund to submit a verified copy of a court  
143 order or abstract by which such defendant is entitled to a refund.  
144 All refunds of state assessments shall be made in accordance with  
145 the procedures established by the Auditor.

146 SECTION 2. This act shall take effect and be in force from  
147 and after July 2, 2000.