

By: Senator(s) Gordon

To: Judiciary;
Appropriations

SENATE BILL NO. 2087

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE ASSESSMENT FOR THE STATE GENERAL FUND PAYABLE BY
3 PERSONS UPON WHOM A COURT IMPOSES A FINE OR PENALTY FOR CERTAIN
4 FELONY VIOLATIONS; TO REPEAL SECTION 83-39-31, MISSISSIPPI CODE OF
5 1972, WHICH IMPOSES A FEE ON APPEARANCE BONDS AND RECOGNIZANCES
6 FOR DEFENDANTS CHARGED WITH A CRIMINAL OFFENSE; AND FOR RELATED
7 PURPOSES.

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

9 SECTION 1. 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.....	\$ 1.50
21 State Prosecutor Education Fund.....	.50
22 Driver Training Penalty Assessment Fund.....	7.00
23 Law Enforcement Officers Training Fund.....	5.00
24 Spinal Cord and Head Injury Trust Fund	
25 (for all moving violations).....	4.00
26 Emergency Medical Services Operating Fund.....	10.00
27 Mississippi Leadership Council on Aging Fund.....	1.00
28 TOTAL STATE ASSESSMENT.....	\$29.00



29 (2) **Implied Consent Law Violations.** In addition to any
 30 monetary penalties and any other penalties imposed by law, there
 31 shall be imposed and collected the following state assessment from
 32 each person upon whom a court imposes a fine or any other penalty
 33 for any violation of the Mississippi Implied Consent Law (Section
 34 63-11-1 et seq.):

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

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

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



62 (4) **Litter Law Violations.** In addition to any monetary
 63 penalties and any other penalties imposed by law, there shall be
 64 imposed and collected the following state assessment from each
 65 person upon whom a court imposes a fine or other penalty for any
 66 violation of Section 97-15-29 or 97-15-30:

67 FUND	AMOUNT
68 Statewide Litter Prevention Fund.....	\$25.00
69 TOTAL STATE ASSESSMENT.....	\$25.00

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

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

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

91 FUND	AMOUNT
92 Crime Victims' Compensation Fund.....	\$ 10.00
93 State Court Education Fund.....	1.50
94 State Prosecutor Education Fund.....	.50



95	Law Enforcement Officers Training Fund.....	5.00
96	State General Fund.....	<u>160.00</u>
97	Criminal Justice Fund.....	50.00
98	TOTAL STATE ASSESSMENT.....	<u>\$227.00</u>

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

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



128 violations under each subsection for which state assessments were
129 collected in the municipal court in such municipality during such
130 month.

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

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

149 SECTION 2. Section 83-39-31, Mississippi Code of 1972, which
150 imposes a fee on appearance bonds and recognizances for defendants
151 charged with a criminal offense, is hereby repealed.

152 SECTION 3. This act shall take effect and be in force from
153 and after July 1, 2001.

