

By: Representative Mayo

To: Judiciary B

HOUSE BILL NO. 1005  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE ASSESSMENTS ON CERTAIN VIOLATIONS TO BE DEPOSITED INTO  
3 THE CAPITAL DEFENSE COUNSEL SPECIAL FUND AND THE LAW ENFORCEMENT  
4 OFFICERS AND FIRE FIGHTERS DEATH BENEFITS TRUST FUND; AND FOR  
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 99-19-73, Mississippi Code of 1972, is  
8 amended as follows:

9 99-19-73. (1) **Traffic Violations.** In addition to any  
10 monetary penalties and any other penalties imposed by law, there  
11 shall be imposed and collected the following state assessment from  
12 each person upon whom a court imposes a fine or other penalty for  
13 any violation in Title 63, Mississippi Code of 1972, except  
14 offenses relating to the Mississippi Implied Consent Law (Section  
15 63-11-1 et seq.) and offenses relating to vehicular parking or  
16 registration:

FUND	AMOUNT
State Court Education Fund.....	\$ 1.50
State Prosecutor Education Fund.....	1.00
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
<u>Law Enforcement Officers and Fire Fighters Death</u>	
<u>    Benefits Trust Fund.....</u>	<u>.50</u>



29 TOTAL STATE ASSESSMENT..... \$ 30.00

30 (2) **Implied Consent Law Violations.** In addition to any  
31 monetary penalties and any other penalties imposed by law, there  
32 shall be imposed and collected the following state assessment from  
33 each person upon whom a court imposes a fine or any other penalty  
34 for any violation of the Mississippi Implied Consent Law (Section  
35 63-11-1 et seq.):

36 FUND	AMOUNT
37 Crime Victims' Compensation Fund.....	\$ 10.00
38 State Court Education Fund.....	1.50
39 State Prosecutor Education Fund.....	1.00
40 Driver Training Penalty Assessment Fund.....	22.00
41 Law Enforcement Officers Training Fund.....	11.00
42 Emergency Medical Services Operating Fund.....	10.00
43 Mississippi Alcohol Safety Education Program Fund....	5.00
44 Federal-State Alcohol Program Fund.....	10.00
45 Mississippi Crime Laboratory	
46 Implied Consent Law Fund.....	25.00
47 Spinal Cord and Head Injury Trust Fund.....	25.00
48 <u>Capital Defense Counsel Special Fund.....</u>	<u>1.00</u>
49 State General Fund.....	35.00
50 <u>Law Enforcement Officers and Fire Fighters Death</u>	
51 <u>Benefits Trust Fund.....</u>	<u>.50</u>
52 TOTAL STATE ASSESSMENT.....	\$ <u>157.00</u>

53 (3) **Game and Fish 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 other penalty for  
57 any violation of the game and fish statutes or regulations of this  
58 state:

59 FUND	AMOUNT
60 State Court Education Fund.....	\$ 1.50
61 State Prosecutor Education Fund.....	1.00



62	Law Enforcement Officers Training Fund.....	5.00
63	Hunter Education and Training Program Fund.....	5.00
64	State General Fund.....	30.00
65	<u>Law Enforcement Officers and Fire Fighters Death</u>	
66	<u>Benefits Trust Fund</u> .....	.50
67	TOTAL STATE ASSESSMENT.....	\$ <u>43.00</u>

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

73	FUND	AMOUNT
74	Statewide Litter Prevention Fund.....	\$ 25.00
75	TOTAL STATE ASSESSMENT.....	\$ 25.00

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

83	FUND	AMOUNT
84	Crime Victims' Compensation Fund.....	\$ 10.00
85	State Court Education Fund.....	1.50
86	State Prosecutor Education Fund.....	1.00
87	Law Enforcement Officers Training Fund.....	5.00
88	<u>Capital Defense Counsel Special Fund</u> .....	<u>1.00</u>
89	State General Fund.....	30.00
90	State Crime Stoppers Fund.....	1.50
91	<u>Law Enforcement Officers and Fire Fighters Death</u>	
92	<u>Benefits Trust Fund</u> .....	.50
93	TOTAL STATE ASSESSMENT.....	\$ <u>50.50</u>



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

100           FUND	AMOUNT
101           Crime Victims' Compensation Fund.....	\$ 10.00
102           State Court Education Fund.....	1.50
103           State Prosecutor Education Fund.....	1.00
104           Law Enforcement Officers Training Fund.....	5.00
105 <u>Capital Defense Counsel Special Fund.....</u>	<u>1.00</u>
106           State General Fund.....	60.00
107           Criminal Justice Fund.....	50.00
108 <u>Law Enforcement Officers and Fire Fighters Death</u>	
109 <u>Benefits Trust Fund.....</u>	<u>.50</u>
110           TOTAL STATE ASSESSMENT.....	<u>\$129.00</u>

111           (7) If a fine or other penalty imposed is suspended, in  
 112 whole or in part, such suspension shall not affect the state  
 113 assessment under this section. No state assessment imposed under  
 114 the provisions of this section may be suspended or reduced by the  
 115 court.

116           (8) After a determination by the court of the amount due, it  
 117 shall be the duty of the clerk of the court to promptly collect  
 118 all state assessments imposed under the provisions of this  
 119 section. The state assessments imposed under the provisions of  
 120 this section may not be paid by personal check. It shall be the  
 121 duty of the chancery clerk of each county to deposit all such  
 122 state assessments collected in the circuit, county and justice  
 123 courts in such county on a monthly basis with the State Treasurer  
 124 pursuant to appropriate procedures established by the State  
 125 Auditor. The chancery clerk shall make a monthly lump-sum deposit  
 126 of the total state assessments collected in the circuit, county



127 and justice courts in such county under this section, and shall  
128 report to the Department of Finance and Administration the total  
129 number of violations under each subsection for which state  
130 assessments were collected in the circuit, county and justice  
131 courts in such county during such month. It shall be the duty of  
132 the municipal clerk of each municipality to deposit all such state  
133 assessments collected in the municipal court in such municipality  
134 on a monthly basis with the State Treasurer pursuant to  
135 appropriate procedures established by the State Auditor. The  
136 municipal clerk shall make a monthly lump-sum deposit of the total  
137 state assessments collected in the municipal court in such  
138 municipality under this section, and shall report to the  
139 Department of Finance and Administration the total number of  
140 violations under each subsection for which state assessments were  
141 collected in the municipal court in such municipality during such  
142 month.

143 (9) It shall be the duty of the Department of Finance and  
144 Administration to deposit on a monthly basis all such state  
145 assessments into the proper special fund in the State Treasury.  
146 The monthly deposit shall be based upon the number of violations  
147 reported under each subsection and the pro rata amount of such  
148 assessment due to the appropriate special fund. The Department of  
149 Finance and Administration shall issue regulations providing for  
150 the proper allocation of these special funds.

151 (10) The State Auditor shall establish by regulation  
152 procedures for refunds of state assessments, including refunds  
153 associated with assessments imposed before July 1, 1990, and  
154 refunds after appeals in which the defendant's conviction is  
155 reversed. The Auditor shall provide in such regulations for  
156 certification of eligibility for refunds and may require the  
157 defendant seeking a refund to submit a verified copy of a court  
158 order or abstract by which such defendant is entitled to a refund.



159 All refunds of state assessments shall be made in accordance with  
160 the procedures established by the Auditor.

161 (11) This section shall stand repealed on July 1, 2003.

162 **SECTION 2.** This act shall take effect and be in force from  
163 and after July 1, 2002.

