

By: Representative Watson

To: Judiciary B

HOUSE BILL NO. 436

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,  
2 WHICH PROVIDES THE STANDARD STATE MONETARY ASSESSMENT FOR CERTAIN  
3 VIOLATIONS, MISDEMEANORS AND FELONIES; 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:

15 FUND	AMOUNT
16 State Court Education Fund.....	\$ 1.50
17 State Prosecutor Education Fund.....	1.00
18 Driver Training Penalty Assessment Fund.....	7.00
19 Law Enforcement Officers Training Fund.....	5.00
20 Spinal Cord and Head Injury Trust Fund	
21 (for all moving violations).....	4.00
22 Emergency Medical Services Operating Fund.....	10.00
23 Mississippi Leadership Council on Aging Fund.....	1.00
24 Law Enforcement Officers and Fire Fighters Death	
25 Benefits Trust Fund.....	.50
26 State Prosecutor Compensation Fund for the purpose	
27 of providing additional compensation for legal	

28 assistants to district attorneys..... 1.00  
 29 TOTAL STATE ASSESSMENT..... \$ 31.00

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 Capital Defense Counsel Special Fund.....	1.00
49 State General Fund.....	35.00
50 Law Enforcement Officers and Fire Fighters Death	
51 Benefits Trust Fund.....	.50
52 State Prosecutor Compensation Fund for the purpose	
53 of providing additional compensation for legal	
54 assistants to district attorneys.....	1.00
55 TOTAL STATE ASSESSMENT.....	\$158.00

56 (3) **Game and Fish Law Violations.** In addition to any  
 57 monetary penalties and any other penalties imposed by law, there  
 58 shall be imposed and collected the following state assessment from  
 59 each person upon whom a court imposes a fine or other penalty for

60 any violation of the game and fish statutes or regulations of this  
61 state:

62	FUND	AMOUNT
63	State Court Education Fund.....	\$ 1.50
64	State Prosecutor Education Fund.....	1.00
65	Law Enforcement Officers Training Fund.....	5.00
66	Hunter Education and Training Program Fund.....	5.00
67	State General Fund.....	30.00
68	Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	.50
69	State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys.....	1.00
70		
71		
72		
73	TOTAL STATE ASSESSMENT.....	\$ 44.00

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

79	FUND	AMOUNT
80	Statewide Litter Prevention Fund.....	\$ 25.00
81	State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys.....	1.00
82		
83		
84	TOTAL STATE ASSESSMENT.....	\$ 26.00

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

92	FUND	AMOUNT
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93	Crime Victims' Compensation Fund.....	\$ 10.00
94	State Court Education Fund.....	1.50
95	State Prosecutor Education Fund.....	1.00
96	Law Enforcement Officers Training Fund.....	5.00
97	Capital Defense Counsel Special Fund.....	1.00
98	State General Fund.....	30.00
99	State Crime Stoppers Fund.....	1.50
100	Law Enforcement Officers and Fire Fighters Death	
101	Benefits Trust Fund.....	.50
102	State Prosecutor Compensation Fund for the purpose	
103	of providing additional compensation for legal	
104	assistants to district attorneys.....	1.00
105	TOTAL STATE ASSESSMENT.....	\$ 51.50

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

112	FUND	AMOUNT
113	Crime Victims' Compensation Fund.....	\$ 10.00
114	State Court Education Fund.....	1.50
115	State Prosecutor Education Fund.....	1.00
116	Law Enforcement Officers Training Fund.....	5.00
117	Capital Defense Counsel Special Fund.....	1.00
118	State General Fund.....	60.00
119	Criminal Justice Fund.....	50.00
120	Law Enforcement Officers and Fire Fighters Death	
121	Benefits Trust Fund.....	.50
122	State Prosecutor Compensation Fund for the purpose	
123	of providing additional compensation for legal	
124	assistants to district attorneys.....	1.00
125	TOTAL STATE ASSESSMENT.....	\$130.00

126           (7) If a fine or other penalty imposed is suspended, in  
127 whole or in part, such suspension shall not affect the state  
128 assessment under this section. No state assessment imposed under  
129 the provisions of this section may be suspended or reduced by the  
130 court.

131           (8) After a determination by the court of the amount due, it  
132 shall be the duty of the clerk of the court to promptly collect  
133 all state assessments imposed under the provisions of this  
134 section. The state assessments imposed under the provisions of  
135 this section may not be paid by personal check. It shall be the  
136 duty of the chancery clerk of each county to deposit all such  
137 state assessments collected in the circuit, county and justice  
138 courts in such county on a monthly basis with the State Treasurer  
139 pursuant to appropriate procedures established by the State  
140 Auditor. The chancery clerk shall make a monthly lump-sum deposit  
141 of the total state assessments collected in the circuit, county  
142 and justice courts in such county under this section, and shall  
143 report to the Department of Finance and Administration the total  
144 number of violations under each subsection for which state  
145 assessments were collected in the circuit, county and justice  
146 courts in such county during such month. It shall be the duty of  
147 the municipal clerk of each municipality to deposit all such state  
148 assessments collected in the municipal court in such municipality  
149 on a monthly basis with the State Treasurer pursuant to  
150 appropriate procedures established by the State Auditor. The  
151 municipal clerk shall make a monthly lump-sum deposit of the total  
152 state assessments collected in the municipal court in such  
153 municipality under this section, and shall report to the  
154 Department of Finance and Administration the total number of  
155 violations under each subsection for which state assessments were  
156 collected in the municipal court in such municipality during such  
157 month.

158           (9) It shall be the duty of the Department of Finance and  
159 Administration to deposit on a monthly basis all such state  
160 assessments into the proper special fund in the State Treasury.  
161 The monthly deposit shall be based upon the number of violations  
162 reported under each subsection and the pro rata amount of such  
163 assessment due to the appropriate special fund. The Department of  
164 Finance and Administration shall issue regulations providing for  
165 the proper allocation of these special funds.

166           (10) The State Auditor shall establish by regulation  
167 procedures for refunds of state assessments, including refunds  
168 associated with assessments imposed before July 1, 1990, and  
169 refunds after appeals in which the defendant's conviction is  
170 reversed. The Auditor shall provide in such regulations for  
171 certification of eligibility for refunds and may require the  
172 defendant seeking a refund to submit a verified copy of a court  
173 order or abstract by which such defendant is entitled to a refund.  
174 All refunds of state assessments shall be made in accordance with  
175 the procedures established by the Auditor.

176           (11) This section shall stand repealed on July 1, 2006.

177           **SECTION 2.** This act shall take effect and be in force from  
178 and after July 1, 2004.