

Senate Amendments to House Bill No. 436

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.....	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
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	.50
State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys.....	1.00
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	
69	Benefits Trust Fund.....	.50
70	State Prosecutor Compensation Fund for the purpose	
71	of providing additional compensation for legal	
72	assistants to district attorneys.....	1.00
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	
82	of providing additional compensation for legal	
83	assistants to district attorneys.....	1.00
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
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, 2005.

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

SS02\HB436A.J

John O. Gilbert
Secretary of the Senate