

By: Representative Holland

To: Public Health and Human Services; Appropriations

HOUSE BILL NO. 905

1 AN ACT TO AMEND SECTIONS 41-59-75 AND 99-19-73, MISSISSIPPI
2 CODE OF 1972, TO INCREASE THE STANDARD STATE ASSESSMENT FOR
3 TRAFFIC AND IMPLIED CONSENT LAW VIOLATIONS THAT ARE DEDICATED FOR
4 THE EMERGENCY MEDICAL SERVICES OPERATING FUND AND THE MISSISSIPPI
5 TRAUMA CARE SYSTEMS FUND; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 41-59-75, Mississippi Code of 1972, is
8 amended as follows:

9 41-59-75. The Mississippi Trauma Care Systems Fund is
10 established. Ten Dollars (\$10.00) collected from each assessment
11 of Fifteen Dollars (\$15.00) as provided in Section 41-59-61, and
12 any other funds made available for funding the trauma care system,
13 shall be deposited into the fund. Funds appropriated from the
14 Mississippi Trauma Care Systems Fund to the State Board of Health
15 shall be made available for department administration and
16 implementation of the comprehensive state trauma care plan for
17 distribution by the department to designated trauma care regions
18 for regional administration, for the department's trauma specific
19 public information and education plan, and to provide hospital and
20 physician indigent trauma care block grant funding to trauma
21 centers designated by the department. All designated trauma care
22 hospitals are eligible to contract with the department for these
23 funds.

24 **SECTION 2.** Section 99-19-73, Mississippi Code of 1972, is
25 amended as follows:

26 99-19-73. (1) **Traffic 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 other penalty for
 30 any violation in Title 63, Mississippi Code of 1972, except
 31 offenses relating to the Mississippi Implied Consent Law (Section
 32 63-11-1 et seq.) and offenses relating to vehicular parking or
 33 registration:

34 FUND	AMOUNT
35 State Court Education Fund.....	\$ 1.50
36 State Prosecutor Education Fund.....	1.00
37 Driver Training Penalty Assessment Fund.....	7.00
38 Law Enforcement Officers Training Fund.....	5.00
39 Spinal Cord and Head Injury Trust Fund	
40 (for all moving violations).....	4.00
41 Emergency Medical Services Operating Fund.....	<u>15.00</u>
42 Mississippi Leadership Council on Aging Fund.....	1.00
43 Law Enforcement Officers and Fire Fighters Death	
44 Benefits Trust Fund.....	.50
45 State Prosecutor Compensation Fund for the purpose	
46 of providing additional compensation for legal	
47 assistants to district attorneys.....	1.00
48 Crisis Intervention Mental Health Fund.....	10.00
49 Drug Court Fund.....	10.00
50 TOTAL STATE ASSESSMENT.....	\$ <u>56.00</u>

51 (2) **Implied Consent Law Violations.** In addition to any
 52 monetary penalties and any other penalties imposed by law, there
 53 shall be imposed and collected the following state assessment from
 54 each person upon whom a court imposes a fine or any other penalty
 55 for any violation of the Mississippi Implied Consent Law (Section
 56 63-11-1 et seq.):

57 FUND	AMOUNT
58 Crime Victims' Compensation Fund.....	\$ 10.00
59 State Court Education Fund.....	1.50
60 State Prosecutor Education Fund.....	1.00
61 Driver Training Penalty Assessment Fund.....	22.00

62	Law Enforcement Officers Training Fund.....	11.00
63	Emergency Medical Services Operating Fund.....	<u>15.00</u>
64	Mississippi Alcohol Safety Education Program Fund....	5.00
65	Federal-State Alcohol Program Fund.....	10.00
66	Mississippi Crime Laboratory	
67	Implied Consent Law Fund.....	25.00
68	Spinal Cord and Head Injury Trust Fund.....	25.00
69	Capital Defense Counsel Special Fund.....	1.00
70	State General Fund.....	35.00
71	Law Enforcement Officers and Fire Fighters Death	
72	Benefits Trust Fund.....	.50
73	State Prosecutor Compensation Fund for the purpose	
74	of providing additional compensation for legal	
75	assistants to district attorneys.....	1.00
76	Crisis Intervention Mental Health Fund.....	10.00
77	Drug Court Fund.....	10.00
78	TOTAL STATE ASSESSMENT.....	<u>\$183.00</u>

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

85	FUND	AMOUNT
86	State Court Education Fund.....	\$ 1.50
87	State Prosecutor Education Fund.....	1.00
88	Law Enforcement Officers Training Fund.....	5.00
89	Hunter Education and Training Program Fund.....	5.00
90	State General Fund.....	30.00
91	Law Enforcement Officers and Fire Fighters Death	
92	Benefits Trust Fund.....	.50
93	State Prosecutor Compensation Fund for the purpose	
94	of providing additional compensation for legal	

95	assistants to district attorneys.....	1.00
96	Crisis Intervention Mental Health Fund.....	10.00
97	Drug Court Fund.....	10.00
98	TOTAL STATE ASSESSMENT.....	\$ 64.00

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

104	FUND	AMOUNT
105	Statewide Litter Prevention Fund.....	\$ 25.00
106	State Prosecutor Compensation Fund for the purpose	
107	of providing additional compensation for legal	
108	assistants to district attorneys.....	1.00
109	Crisis Intervention Mental Health Fund.....	10.00
110	Drug Court Fund.....	10.00
111	TOTAL STATE ASSESSMENT.....	\$ 46.00

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

119	FUND	AMOUNT
120	Crime Victims' Compensation Fund.....	\$ 10.00
121	State Court Education Fund.....	1.50
122	State Prosecutor Education Fund.....	1.00
123	Law Enforcement Officers Training Fund.....	5.00
124	Capital Defense Counsel Special Fund.....	1.00
125	State General Fund.....	30.00
126	State Crime Stoppers Fund.....	1.50
127	Law Enforcement Officers and Fire Fighters Death	

128	Benefits Trust Fund.....	.50
129	State Prosecutor Compensation Fund for the purpose	
130	of providing additional compensation for legal	
131	assistants to district attorneys.....	1.00
132	Crisis Intervention Mental Health Fund.....	10.00
133	Drug Court Fund.....	8.00
134	Judicial Performance Fund.....	2.00
135	TOTAL STATE ASSESSMENT.....	\$ 71.50

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

142	FUND	AMOUNT
143	Crime Victims' Compensation Fund.....	\$ 10.00
144	State Court Education Fund.....	1.50
145	State Prosecutor Education Fund.....	1.00
146	Law Enforcement Officers Training Fund.....	5.00
147	Capital Defense Counsel Special Fund.....	1.00
148	State General Fund.....	60.00
149	Criminal Justice Fund.....	50.00
150	Law Enforcement Officers and Fire Fighters Death	
151	Benefits Trust Fund.....	.50
152	State Prosecutor Compensation Fund for the purpose	
153	of providing additional compensation for legal	
154	assistants to district attorneys.....	1.00
155	Crisis Intervention Mental Health Fund.....	10.00
156	Drug Court Fund.....	10.00
157	TOTAL STATE ASSESSMENT.....	\$150.00

158 (7) If a fine or other penalty imposed is suspended, in
159 whole or in part, such suspension shall not affect the state
160 assessment under this section. No state assessment imposed under

161 the provisions of this section may be suspended or reduced by the
162 court.

163 (8) After a determination by the court of the amount due, it
164 shall be the duty of the clerk of the court to promptly collect
165 all state assessments imposed under the provisions of this
166 section. The state assessments imposed under the provisions of
167 this section may not be paid by personal check. It shall be the
168 duty of the chancery clerk of each county to deposit all such
169 state assessments collected in the circuit, county and justice
170 courts in such county on a monthly basis with the State Treasurer
171 pursuant to appropriate procedures established by the State
172 Auditor. The chancery clerk shall make a monthly lump-sum deposit
173 of the total state assessments collected in the circuit, county
174 and justice courts in such county under this section, and shall
175 report to the Department of Finance and Administration the total
176 number of violations under each subsection for which state
177 assessments were collected in the circuit, county and justice
178 courts in such county during such month. It shall be the duty of
179 the municipal clerk of each municipality to deposit all such state
180 assessments collected in the municipal court in such municipality
181 on a monthly basis with the State Treasurer pursuant to
182 appropriate procedures established by the State Auditor. The
183 municipal clerk shall make a monthly lump-sum deposit of the total
184 state assessments collected in the municipal court in such
185 municipality under this section, and shall report to the
186 Department of Finance and Administration the total number of
187 violations under each subsection for which state assessments were
188 collected in the municipal court in such municipality during such
189 month.

190 (9) It shall be the duty of the Department of Finance and
191 Administration to deposit on a monthly basis all such state
192 assessments into the proper special fund in the State Treasury.
193 The monthly deposit shall be based upon the number of violations

194 reported under each subsection and the pro rata amount of such
195 assessment due to the appropriate special fund. The Department of
196 Finance and Administration shall issue regulations providing for
197 the proper allocation of these special funds.

198 (10) The State Auditor shall establish by regulation
199 procedures for refunds of state assessments, including refunds
200 associated with assessments imposed before July 1, 1990, and
201 refunds after appeals in which the defendant's conviction is
202 reversed. The Auditor shall provide in such regulations for
203 certification of eligibility for refunds and may require the
204 defendant seeking a refund to submit a verified copy of a court
205 order or abstract by which such defendant is entitled to a refund.
206 All refunds of state assessments shall be made in accordance with
207 the procedures established by the Auditor.

208 **SECTION 3.** This act shall take effect and be in force from
209 and after July 1, 2005.