

By: Representative Robinson (84th)

To: Appropriations

HOUSE BILL NO. 1155

1 AN ACT TO CHARGE AN ADDITIONAL \$1.00 STATE ASSESSMENT FEE TO
 2 THOSE TO THOSE PERSONS UPON WHOM THE COURT IMPOSES A FINE OR OTHER
 3 ASSESSMENT; TO CREATE THE "LAW ENFORCEMENT OFFICERS DISABILITY
 4 BENEFITS TRUST FUND"; TO PROVIDE THAT ALL SUCH FEES COLLECTED
 5 SHALL BE DEPOSITED INTO THE FUND AND MAY BE EXPENDED BY THE
 6 DEPARTMENT OF PUBLIC SAFETY TO BENEFIT INJURED LAW ENFORCEMENT
 7 OFFICERS; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972, TO
 8 ADD A \$1.00 FEE FOR THE "LAW ENFORCEMENT OFFICERS DISABILITY
 9 BENEFITS TRUST FUND" TO THE LIST OF ADDITIONAL FEES CHARGED FOR
 10 CERTAIN FINES AND PENALTIES FOR THE "LAW ENFORCEMENT OFFICERS
 11 DISABILITY BENEFITS TRUST FUND"; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) The following words and phrases shall have
 14 the meanings ascribed in this section unless the context clearly
 15 indicates otherwise:

16 (a) "Covered individual" means a law enforcement
 17 officer or fire fighter as defined in this section when employed
 18 by an employer as defined in this section; it does not include
 19 employees of independent contractors.

20 (b) "Employer" means a state board, commission,
 21 department, division, bureau, or agency, or a county, municipality
 22 or other political subdivision of the state, which employs,
 23 appoints or otherwise engages the services of covered individuals.

24 (c) "Law enforcement officer" means any lawfully sworn
 25 officer or employee of the state or any political subdivision of
 26 the state whose duties require the officer or employee to
 27 investigate, pursue, apprehend, arrest, transport or maintain
 28 custody of persons who are charged with, suspected of committing,
 29 or convicted of a crime, whether the officer is on regular duty on
 30 full-time status, an auxiliary or reserve officer, or is serving
 31 on a temporary or part-time status.

32 (2) (a) Any law enforcement officer employed by this state
33 or any county or municipality therein, who becomes physically
34 disabled, but not permanently disabled, as a result of the
35 performance of the law enforcement officer's official duties shall
36 be entitled to receive a monthly compensation benefit from the Law
37 Enforcement Officers Disability Benefits Trust Fund. The
38 Department of Public Safety shall make a monthly payment, as
39 provided in this section, in the amount equal to thirty four
40 percent (34%) of the regular base salary in effect at the time of
41 the law enforcement officer's injury, subject to the following
42 conditions: (i) the benefit shall not be payable until after the
43 thirtieth (30th) day of the law enforcement officer's disability;
44 and (ii) the benefit shall be payable for the period of time the
45 law enforcement officer is physically unable to perform the duties
46 of his or her employment, not to exceed twelve (12) months.

47 (b) The payment made in this subsection is in addition
48 to any workers' compensation or pension benefits, but shall be
49 limited to the difference between the amount of the workers'
50 compensation benefits and the amount of the law enforcement
51 officer's regular base salary.

52 (c) Compensation shall not be awarded under this
53 subsection when a penal violation committed by the disabled law
54 enforcement officer caused the disability.

55 (3) (a) In addition to any other fees or costs now or as
56 may hereafter be provided by law, there is hereby charged in all
57 civil cases in the chancery, circuit, county, justice and
58 municipal courts of this state a law enforcement disability cost
59 in the amount of One Dollar (\$1.00), except in justice court cases
60 where the amount sued for is less than Fifteen Dollars (\$15.00).
61 Such cost shall be collected by the clerk or judicial officer from
62 the party bringing the civil action at the time of filing and
63 taxed as costs.

64 (b) It shall be the duty of the clerk of any court to
65 promptly collect the costs imposed pursuant to the provisions of
66 subsection (1) of this section. In all cases, the clerk shall
67 deposit monthly all such costs so collected with the State
68 Treasurer either directly or by other appropriate procedures. All
69 such deposits shall be clearly marked for the Law Enforcement
70 Officers Disability Benefits Trust Fund.

71 Upon receipt of such deposits, the State Treasurer shall
72 credit any amounts so deposited to the Law Enforcement Officers
73 Disability Benefits Trust Fund created pursuant to subsection (3)
74 of this section. The State Treasurer shall invest the monies of
75 the trust fund in any of the investments authorized for the funds
76 of the Public Employees' Retirement System under Section
77 25-11-121, and those investments shall be subject to the
78 limitations prescribed by Section 25-11-121.

79 Unexpended amounts remaining in the trust fund at the end of
80 the state fiscal year shall not lapse into the State General Fund,
81 and any income earned on amounts in the trust fund shall be
82 deposited to the credit of the trust fund.

83 (c) Assessments collected under this section shall be
84 deposited in a special fund created by the State Treasury and
85 designated the "Law Enforcement Officers Disability Benefits Trust
86 Fund." Monies deposited in the fund shall be expended by the
87 Department of Public Safety as authorized.

88 (d) The Department of Public Safety shall be
89 responsible for the management of the trust fund and the
90 disbursement of disability benefits authorized under this section.
91 The Department of Public Safety shall adopt rules and regulations
92 necessary to implement and standardize the payment of disability
93 benefits under this section, to administer the trust fund created
94 by this section and to carry out the purposes of this section.

95 (4) The Department of Public Safety shall not make benefit
 96 payments from the trust fund created under this section until
 97 January 1, 2007.

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

100 99-19-73. (1) **Traffic Violations.** In addition to any
 101 monetary penalties and any other penalties imposed by law, there
 102 shall be imposed and collected the following state assessment from
 103 each person upon whom a court imposes a fine or other penalty for
 104 any violation in Title 63, Mississippi Code of 1972, except
 105 offenses relating to the Mississippi Implied Consent Law (Section
 106 63-11-1 et seq.) and offenses relating to vehicular parking or
 107 registration:

108 FUND	AMOUNT
109 State Court Education Fund.....	\$ 1.50
110 State Prosecutor Education Fund.....	1.00
111 Driver Training Penalty Assessment Fund.....	7.00
112 Law Enforcement Officers Training Fund.....	5.00
113 Spinal Cord and Head Injury Trust Fund	
114 (for all moving violations).....	4.00
115 Emergency Medical Services Operating Fund.....	10.00
116 Mississippi Leadership Council on Aging Fund.....	1.00
117 Law Enforcement Officers and Fire Fighters Death	
118 Benefits Trust Fund.....	.50
119 State Prosecutor Compensation Fund for the purpose	
120 of providing additional compensation for legal	
121 assistants to district attorneys.....	1.00
122 Crisis Intervention Mental Health Fund.....	10.00
123 Drug Court Fund.....	10.00
124 <u>Law Enforcement Officers Disability Benefit</u>	
125 <u>Trust Fund</u>	<u>1.00</u>
126 TOTAL STATE ASSESSMENT.....	<u>\$ 52.00</u>

127 (2) **Implied Consent Law Violations.** In addition to any
 128 monetary penalties and any other penalties imposed by law, there
 129 shall be imposed and collected the following state assessment from
 130 each person upon whom a court imposes a fine or any other penalty
 131 for any violation of the Mississippi Implied Consent Law (Section
 132 63-11-1 et seq.):

133 FUND	AMOUNT
134 Crime Victims' Compensation Fund.....	\$ 10.00
135 State Court Education Fund.....	1.50
136 State Prosecutor Education Fund.....	1.00
137 Driver Training Penalty Assessment Fund.....	22.00
138 Law Enforcement Officers Training Fund.....	11.00
139 Emergency Medical Services Operating Fund.....	10.00
140 Mississippi Alcohol Safety Education Program Fund....	5.00
141 Federal-State Alcohol Program Fund.....	10.00
142 Mississippi Crime Laboratory	
143 Implied Consent Law Fund.....	25.00
144 Spinal Cord and Head Injury Trust Fund.....	25.00
145 Capital Defense Counsel Special Fund.....	1.00
146 State General Fund.....	35.00
147 Law Enforcement Officers and Fire Fighters Death	
148 Benefits Trust Fund.....	.50
149 State Prosecutor Compensation Fund for the purpose	
150 of providing additional compensation for legal	
151 assistants to district attorneys.....	1.00
152 Crisis Intervention Mental Health Fund.....	10.00
153 Drug Court Fund.....	10.00
154 <u>Law Enforcement Officers Disability Benefits</u>	
155 <u>Trust Fund.....</u>	<u>1.00</u>
156 TOTAL STATE ASSESSMENT.....	<u>\$179.00</u>

157 (3) **Game and Fish Law Violations.** In addition to any
 158 monetary penalties and any other penalties imposed by law, there
 159 shall be imposed and collected the following state assessment from

160 each person upon whom a court imposes a fine or other penalty for
 161 any violation of the game and fish statutes or regulations of this
 162 state:

163 FUND	AMOUNT
164 State Court Education Fund.....	\$ 1.50
165 State Prosecutor Education Fund.....	1.00
166 Law Enforcement Officers Training Fund.....	5.00
167 Hunter Education and Training Program Fund.....	5.00
168 State General Fund.....	30.00
169 Law Enforcement Officers and Fire Fighters Death	
170 Benefits Trust Fund.....	.50
171 State Prosecutor Compensation Fund for the purpose	
172 of providing additional compensation for legal	
173 assistants to district attorneys.....	1.00
174 Crisis Intervention Mental Health Fund.....	10.00
175 Drug Court Fund.....	10.00
176 <u>Law Enforcement Officers Disability Benefits</u>	
177 <u>Trust Fund.....</u>	<u>1.00</u>
178 TOTAL STATE ASSESSMENT.....	\$ <u>65.00</u>

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

184 FUND.....	
185 Statewide Litter Prevention Fund.....	\$ 25.00
186 State Prosecutor Compensation Fund for the purpose	
187 of providing additional compensation for legal	
188 assistants to district attorneys.....	1.00
189 Crisis Intervention Mental Health Fund.....	10.00
190 Drug Court Fund.....	10.00
191 <u>Law Enforcement Officers Disability Benefits</u>	
192 <u>Trust Fund.....</u>	<u>1.00</u>

193 TOTAL STATE ASSESSMENT..... \$ 47.00

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

201 FUND	AMOUNT
202 Crime Victims' Compensation Fund.....	\$ 10.00
203 State Court Education Fund.....	1.50
204 State Prosecutor Education Fund.....	1.00
205 Law Enforcement Officers Training Fund.....	5.00
206 Capital Defense Counsel Special Fund.....	1.00
207 State General Fund.....	30.00
208 State Crime Stoppers Fund.....	1.50
209 Law Enforcement Officers and Fire Fighters Death	
210 Benefits Trust Fund.....	.50
211 State Prosecutor Compensation Fund for the purpose	
212 of providing additional compensation for legal	
213 assistants to district attorneys.....	1.00
214 Crisis Intervention Mental Health Fund.....	10.00
215 Drug Court Fund.....	8.00
216 Judicial Performance Fund.....	2.00
217 <u>Law Enforcement Officers Disability Benefits</u>	
218 <u>Trust Fund.....</u>	<u>1.00</u>
219 TOTAL STATE ASSESSMENT.....	<u>\$ 72.50</u>

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

226	FUND	AMOUNT
227	Crime Victims' Compensation Fund.....	\$ 10.00
228	State Court Education Fund.....	1.50
229	State Prosecutor Education Fund.....	1.00
230	Law Enforcement Officers Training Fund.....	5.00
231	Capital Defense Counsel Special Fund.....	1.00
232	State General Fund.....	60.00
233	Criminal Justice Fund.....	50.00
234	Law Enforcement Officers and Fire Fighters Death	
235	Benefits Trust Fund.....	.50
236	State Prosecutor Compensation Fund for the purpose	
237	of providing additional compensation for legal	
238	assistants to district attorneys.....	1.00
239	Crisis Intervention Mental Health Fund.....	10.00
240	Drug Court Fund.....	10.00
241	<u>Law Enforcement Officers Disability Benefits</u>	
242	<u>Trust Fund.....</u>	<u>1.00</u>
243	TOTAL STATE ASSESSMENT.....	<u>\$151.00</u>

244 (7) If a fine or other penalty imposed is suspended, in
245 whole or in part, such suspension shall not affect the state
246 assessment under this section. No state assessment imposed under
247 the provisions of this section may be suspended or reduced by the
248 court.

249 (8) After a determination by the court of the amount due, it
250 shall be the duty of the clerk of the court to promptly collect
251 all state assessments imposed under the provisions of this
252 section. The state assessments imposed under the provisions of
253 this section may not be paid by personal check. It shall be the
254 duty of the chancery clerk of each county to deposit all such
255 state assessments collected in the circuit, county and justice
256 courts in such county on a monthly basis with the State Treasurer
257 pursuant to appropriate procedures established by the State
258 Auditor. The chancery clerk shall make a monthly lump-sum deposit

259 of the total state assessments collected in the circuit, county
260 and justice courts in such county under this section, and shall
261 report to the Department of Finance and Administration the total
262 number of violations under each subsection for which state
263 assessments were collected in the circuit, county and justice
264 courts in such county during such month. It shall be the duty of
265 the municipal clerk of each municipality to deposit all such state
266 assessments collected in the municipal court in such municipality
267 on a monthly basis with the State Treasurer pursuant to
268 appropriate procedures established by the State Auditor. The
269 municipal clerk shall make a monthly lump-sum deposit of the total
270 state assessments collected in the municipal court in such
271 municipality under this section, and shall report to the
272 Department of Finance and Administration the total number of
273 violations under each subsection for which state assessments were
274 collected in the municipal court in such municipality during such
275 month.

276 (9) It shall be the duty of the Department of Finance and
277 Administration to deposit on a monthly basis all such state
278 assessments into the proper special fund in the State Treasury.
279 The monthly deposit shall be based upon the number of violations
280 reported under each subsection and the pro rata amount of such
281 assessment due to the appropriate special fund. The Department of
282 Finance and Administration shall issue regulations providing for
283 the proper allocation of these special funds.

284 (10) The State Auditor shall establish by regulation
285 procedures for refunds of state assessments, including refunds
286 associated with assessments imposed before July 1, 1990, and
287 refunds after appeals in which the defendant's conviction is
288 reversed. The Auditor shall provide in such regulations for
289 certification of eligibility for refunds and may require the
290 defendant seeking a refund to submit a verified copy of a court
291 order or abstract by which such defendant is entitled to a refund.

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

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