

By: Senator(s) Nunnelee

To: Judiciary, Division B

SENATE BILL NO. 2471  
(As Sent to Governor)

1 AN ACT TO CODIFY SECTION 43-47-39, MISSISSIPPI CODE OF 1972,  
2 TO ESTABLISH A VULNERABLE ADULT EDUCATION, TRAINING, INVESTIGATION  
3 AND PROSECUTION TRUST FUND TO ASSIST IN LAW ENFORCEMENT TRAINING  
4 RELATING TO THE VULNERABLE ADULTS ACT AND TO PROVIDE FUNDING FOR  
5 THE VULNERABLE ADULTS UNIT OF THE ATTORNEY GENERAL'S OFFICE; TO  
6 CREATE A SPECIAL TRUST FUND TO BE DESIGNATED AS THE CHILD SUPPORT  
7 PROSECUTION TRUST FUND TO PROSECUTE DELINQUENT CHILD SUPPORT  
8 CASES; TO AMEND SECTION 41-59-75, MISSISSIPPI CODE OF 1972, TO  
9 REVISE THE DISPOSITION OF TRAUMA CARE FUNDS; TO AMEND SECTION  
10 99-19-73, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO.  
11 2559 AND SENATE BILL NO. 2960, 2005 REGULAR SESSION, TO INCREASE  
12 THE STANDARD STATE MONETARY ASSESSMENTS AND TO PROVIDE AUTOMATIC  
13 REPEAL OF THE SECTION; TO AMEND SECTION 9-23-51, MISSISSIPPI CODE  
14 OF 1972, TO REVISE THE DISTRIBUTION OF FUNDS FROM THE DRUG COURT  
15 FUND; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** The following provision shall be codified as

18 Section 43-47-39, Mississippi Code of 1972:

19 43-47-39. (1) There is created in the State Treasury a  
20 special fund to be known as the Vulnerable Adults Education,  
21 Training, Investigation and Prosecution Trust Fund. The purpose  
22 of the fund shall be to provide funding for the Vulnerable Adults  
23 Unit in the Office of the Attorney General to assist in the  
24 education and training of law enforcement officers, judges, state  
25 agencies, health professionals and the general public with regard  
26 to issues arising under the Vulnerable Adults Act, and to provide  
27 funding for the Vulnerable Adults Unit in the Office of the  
28 Attorney General to assist in the investigation and prosecution of  
29 statewide offenders who abuse, neglect or exploit vulnerable  
30 adults. The fund shall be a continuing fund, not subject to  
31 fiscal-year limitations.

32 (2) Funding shall be provided by assessments collected from  
33 violations set out in Section 99-19-73.

34           **SECTION 2.** Section 41-59-75, Mississippi Code of 1972, is  
35 amended as follows:

36           41-59-75. The Mississippi Trauma Care Systems Fund is  
37 established. Ten Dollars (\$10.00) collected from each assessment  
38 of Fifteen Dollars (\$15.00) as provided in Section 41-59-61, and  
39 any other funds made available for funding the trauma care system,  
40 shall be deposited into the fund. Funds appropriated from the  
41 Mississippi Trauma Care Systems Fund to the State Board of Health  
42 shall be made available for department administration and  
43 implementation of the comprehensive state trauma care plan for  
44 distribution by the department to designated trauma care regions  
45 for regional administration, for the department's trauma specific  
46 public information and education plan, and to provide hospital and  
47 physician indigent trauma care block grant funding to trauma  
48 centers designated by the department. All designated trauma care  
49 hospitals are eligible to contract with the department for these  
50 funds.

51           **SECTION 3.** There is created in the State Treasury a special  
52 trust fund to be designated as the "Child Support Prosecution  
53 Trust Fund." The fund shall be used by the Office of the Attorney  
54 General for the prosecution of delinquent child support cases and  
55 may also be used to draw down the sixty-six percent (66%) federal  
56 reimbursement IV-D funds for support of the Legal Division of the  
57 Child Support Unit of the Mississippi Department of Human  
58 Services.

59           **SECTION 4.** Section 99-19-73, Mississippi Code of 1972, as  
60 amended by Senate Bill No. 2559 and Senate Bill No. 2960, 2005  
61 Regular Session, is amended as follows:

62           99-19-73. (1) **Traffic violations.** In addition to any  
63 monetary penalties and any other penalties imposed by law, there  
64 shall be imposed and collected the following state assessment from  
65 each person upon whom a court imposes a fine or other penalty for  
66 any violation in Title 63, Mississippi Code of 1972, except

67 offenses relating to the Mississippi Implied Consent Law (Section  
 68 63-11-1 et seq.) and offenses relating to vehicular parking or  
 69 registration:

70 FUND	AMOUNT
71 State Court Education Fund.....	\$ 1.50
72 State Prosecutor Education Fund.....	1.00
73 <u>Vulnerable Adults Education, Training,</u>	
74 <u>Investigation and Prosecution Trust Fund.....</u>	<u>.50</u>
75 <u>Child Support Prosecution Trust Fund.....</u>	<u>.50</u>
76 Driver Training Penalty Assessment Fund.....	7.00
77 Law Enforcement Officers Training Fund.....	5.00
78 Spinal Cord and Head Injury Trust Fund	
79 (for all moving violations).....	<u>6.00</u>
80 Emergency Medical Services Operating Fund.....	<u>15.00</u>
81 Mississippi Leadership Council on Aging Fund.....	1.00
82 Law Enforcement Officers and Fire Fighters Death	
83 Benefits Trust Fund.....	.50
84 Law Enforcement Officers Disability Benefits Trust	
85 Fund.....	1.00
86 State Prosecutor Compensation Fund for the purpose	
87 of providing additional compensation for legal	
88 assistants to district attorneys.....	<u>1.50</u>
89 Crisis Intervention Mental Health Fund.....	10.00
90 Drug Court Fund.....	10.00
91 Capital Defense Counsel Fund.....	1.89
92 Indigent Appeals Fund.....	2.29
93 Capital Post-Conviction Counsel Fund.....	2.33
94 Victims of Domestic Violence Fund.....	.49
95 TOTAL STATE ASSESSMENT.....	\$ <u>68.50</u>

96 (2) **Implied Consent Law violations.** In addition to any  
 97 monetary penalties and any other penalties imposed by law, there  
 98 shall be imposed and collected the following state assessment from  
 99 each person upon whom a court imposes a fine or any other penalty

100 for any violation of the Mississippi Implied Consent Law (Section  
 101 63-11-1 et seq.):

102 FUND	AMOUNT
103 Crime Victims' Compensation Fund.....	\$ 10.00
104 State Court Education Fund.....	1.50
105 State Prosecutor Education Fund.....	1.00
106 <u>Vulnerable Adults Education, Training,</u>	
107 <u>Investigation and Prosecution Trust Fund.....</u>	<u>.50</u>
108 <u>Child Support Prosecution Trust Fund.....</u>	<u>.50</u>
109 Driver Training Penalty Assessment Fund.....	22.00
110 Law Enforcement Officers Training Fund.....	11.00
111 Emergency Medical Services Operating Fund.....	<u>15.00</u>
112 Mississippi Alcohol Safety Education Program Fund....	5.00
113 Federal-State Alcohol Program Fund.....	10.00
114 Mississippi Crime Laboratory	
115 Implied Consent Law Fund.....	25.00
116 Spinal Cord and Head Injury Trust Fund.....	25.00
117 Capital Defense Counsel Fund.....	1.89
118 Indigent Appeals Fund.....	2.29
119 Capital Post-Conviction Counsel Fund.....	2.33
120 Victims of Domestic Violence Fund.....	.49
121 State General Fund.....	35.00
122 Law Enforcement Officers and Fire Fighters Death	
123 Benefits Trust Fund.....	.50
124 Law Enforcement Officers Disability Benefits Trust	
125 Fund.....	1.00
126 State Prosecutor Compensation Fund for the purpose	
127 of providing additional compensation for legal	
128 assistants to district attorneys.....	<u>1.50</u>
129 Crisis Intervention Mental Health Fund.....	10.00
130 Drug Court Fund.....	10.00
131 TOTAL STATE ASSESSMENT.....	<u>\$192.50</u>

132           (3) **Game and Fish Law violations.** In addition to any  
 133 monetary penalties and any other penalties imposed by law, there  
 134 shall be imposed and collected the following state assessment from  
 135 each person upon whom a court imposes a fine or other penalty for  
 136 any violation of the game and fish statutes or regulations of this  
 137 state:

138           FUND	AMOUNT
139           State Court Education Fund.....	\$ 1.50
140           State Prosecutor Education Fund.....	1.00
141           Law Enforcement Officers Training Fund.....	5.00
142           Hunter Education and Training Program Fund.....	5.00
143           State General Fund.....	30.00
144           Law Enforcement Officers and Fire Fighters Death	
145                 Benefits Trust Fund.....	.50
146           Law Enforcement Officers Disability Benefits Trust	
147                 Fund.....	1.00
148           State Prosecutor Compensation Fund for the purpose	
149                 of providing additional compensation for legal	
150                 assistants to district attorneys.....	1.00
151           Crisis Intervention Mental Health Fund.....	10.00
152           Drug Court Fund.....	10.00
153           Capital Defense Counsel Fund.....	1.89
154           Indigent Appeals Fund.....	2.29
155           Capital Post-Conviction Counsel Fund.....	2.33
156           Victims of Domestic Violence Fund.....	.49
157           TOTAL STATE ASSESSMENT.....	\$ <u>72.00</u>

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

163           FUND	AMOUNT
164           Statewide Litter Prevention Fund.....	\$ 25.00

165	State Prosecutor Compensation Fund for the purpose	
166	of providing additional compensation for legal	
167	assistants to district attorneys.....	1.00
168	Crisis Intervention Mental Health Fund.....	10.00
169	Drug Court Fund.....	10.00
170	<u>Vulnerable Adults Education, Training,</u>	
171	<u>Investigation and Prosecution Trust Fund.....</u>	<u>.50</u>
172	<u>Child Support Prosecution Trust Fund.....</u>	<u>.50</u>
173	Law Enforcement Officers Disability Benefits Trust	
174	Fund.....	1.00
175	Capital Defense Counsel Fund.....	1.89
176	Indigent Appeals Fund.....	2.29
177	Capital Post-Conviction Counsel Fund.....	2.33
178	Victims of Domestic Violence Fund.....	.49
179	TOTAL STATE ASSESSMENT.....	\$ <u>55.00</u>

180 (5) **Other misdemeanors.** In addition to any monetary  
181 penalties and any other penalties imposed by law, there shall be  
182 imposed and collected the following state assessment from each  
183 person upon whom a court imposes a fine or other penalty for any  
184 misdemeanor violation not specified in subsection (1), (2) or (3)  
185 of this section, except offenses relating to vehicular parking or  
186 registration:

187	FUND	AMOUNT
188	Crime Victims' Compensation Fund.....	\$ 10.00
189	State Court Education Fund.....	1.50
190	State Prosecutor Education Fund.....	1.00
191	<u>Vulnerable Adults Education, Training,</u>	
192	<u>Investigation and Prosecution Trust Fund.....</u>	<u>.50</u>
193	<u>Child Support Prosecution Trust Fund.....</u>	<u>.50</u>
194	Law Enforcement Officers Training Fund.....	5.00
195	Capital Defense Counsel Fund.....	1.89
196	Indigent Appeals Fund.....	2.29
197	Capital Post-Conviction Counsel Fund.....	2.33

198	Victims of Domestic Violence Fund.....	.49
199	State General Fund.....	30.00
200	State Crime Stoppers Fund.....	1.50
201	Law Enforcement Officers and Fire Fighters Death	
202	Benefits Trust Fund.....	.50
203	Law Enforcement Officers Disability Benefits Trust	
204	Fund.....	1.00
205	State Prosecutor Compensation Fund for the purpose	
206	of providing additional compensation for legal	
207	assistants to district attorneys.....	<u>1.50</u>
208	Crisis Intervention Mental Health Fund.....	10.00
209	Drug Court Fund.....	8.00
210	Judicial Performance Fund.....	2.00
211	TOTAL STATE ASSESSMENT.....	\$ <u>81.00</u>

212       (6) **Other felonies.** In addition to any monetary penalties  
213 and any other penalties imposed by law, there shall be imposed and  
214 collected the following state assessment from each person upon  
215 whom a court imposes a fine or other penalty for any felony  
216 violation not specified in subsection (1), (2) or (3) of this  
217 section:

218	FUND	AMOUNT
219	Crime Victims' Compensation Fund.....	\$ 10.00
220	State Court Education Fund.....	1.50
221	State Prosecutor Education Fund.....	1.00
222	<u>Vulnerable Adults Education, Training,</u>	
223	<u>Investigation and Prosecution Trust Fund.....</u>	<u>.50</u>
224	<u>Child Support Prosecution Trust Fund.....</u>	<u>.50</u>
225	Law Enforcement Officers Training Fund.....	5.00
226	Capital Defense Counsel Fund.....	1.89
227	Indigent Appeals Fund.....	2.29
228	Capital Post-Conviction Counsel Fund.....	2.33
229	Victims of Domestic Violence Fund.....	.49
230	State General Fund.....	60.00

231	Criminal Justice Fund.....	50.00
232	Law Enforcement Officers and Fire Fighters Death	
233	Benefits Trust Fund.....	.50
234	Law Enforcement Officers Disability Benefits Trust	
235	Fund.....	1.00
236	State Prosecutor Compensation Fund for the purpose	
237	of providing additional compensation for legal	
238	assistants to district attorneys.....	<u>1.50</u>
239	Crisis Intervention Mental Health Fund.....	10.00
240	Drug Court Fund.....	10.00
241	TOTAL STATE ASSESSMENT.....	<u>\$159.50</u>

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

247       (8) After a determination by the court of the amount due, it  
248 shall be the duty of the clerk of the court to promptly collect  
249 all state assessments imposed under the provisions of this  
250 section. The state assessments imposed under the provisions of  
251 this section may not be paid by personal check. It shall be the  
252 duty of the chancery clerk of each county to deposit all such  
253 state assessments collected in the circuit, county and justice  
254 courts in such county on a monthly basis with the State Treasurer  
255 pursuant to appropriate procedures established by the State  
256 Auditor. The chancery clerk shall make a monthly lump-sum deposit  
257 of the total state assessments collected in the circuit, county  
258 and justice courts in such county under this section, and shall  
259 report to the Department of Finance and Administration the total  
260 number of violations under each subsection for which state  
261 assessments were collected in the circuit, county and justice  
262 courts in such county during such month. It shall be the duty of  
263 the municipal clerk of each municipality to deposit all such state



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

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

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

292 (11) This section shall stand repealed from and after July  
293 1, 2008.

294 **SECTION 5.** Section 9-23-51, Mississippi Code of 1972, is  
295 amended as follows:

296           9-23-51. There is created in the State Treasury a special  
297 interest-bearing fund to be known as the Drug Court Fund. The  
298 purpose of the fund shall be to provide supplemental funding to  
299 all drug courts in the state. Monies from the funds derived from  
300 assessments under Section 99-19-73 shall be distributed by the  
301 State Treasurer upon warrants issued by the Administrative Office  
302 of Courts, pursuant to procedures set by the State Drug Courts  
303 Advisory Committee to assist both juvenile drug courts and adult  
304 drug courts \* \* \*. Funds from other sources shall be distributed  
305 to the drug courts in the state based on a formula set by the  
306 State Drug Courts Advisory Committee. The fund shall be a  
307 continuing fund, not subject to fiscal-year limitations, and shall  
308 consist of: (a) monies appropriated by the Legislature for the  
309 purposes of funding drug courts; (b) the interest accruing to the  
310 fund; (c) monies received under the provisions of Section  
311 99-19-73; (d) monies received from the federal government; and (e)  
312 monies received from such other sources as may be provided by law.

313           **SECTION 6.** This act shall take effect and be in force from  
314 and after July 1, 2005.