

By: Senator(s) Burton

To: Public Health and
Welfare; Judiciary, Division
A

SENATE BILL NO. 2979

1 AN ACT TO CODIFY SECTION 43-11-28, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE NURSING FACILITY RESIDENTS AND THEIR FAMILIES TO BE
 3 PROVIDED VULNERABLE ADULT EDUCATION AWARENESS AND CONTACT
 4 INFORMATION UPON ADMISSION OF THE RESIDENT, TO PROVIDE CIVIL FINES
 5 FOR FAILURE TO PROVIDE SUCH INFORMATION; TO CODIFY SECTION
 6 43-47-39, MISSISSIPPI CODE OF 1972, TO ESTABLISH A VULNERABLE
 7 ADULT EDUCATION, TRAINING, INVESTIGATION AND PROSECUTION FUND TO
 8 ASSIST IN LAW ENFORCEMENT TRAINING RELATING TO THE VULNERABLE
 9 ADULTS ACT AND TO PROVIDE FUNDING FOR THE VULNERABLE ADULTS UNIT
 10 OF THE ATTORNEY GENERAL'S OFFICE; TO AMEND SECTION 99-19-73,
 11 MISSISSIPPI CODE OF 1972, TO PROVIDE AN ADDITIONAL ASSESSMENT ON
 12 TRAFFIC, IMPLIED CONSENT LAW AND OTHER MISDEMEANORS AND FELONIES
 13 TO BE PAID INTO THE VULNERABLE ADULT FUND; AND FOR RELATED
 14 PURPOSES.

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

16 **SECTION 1.** The following provision shall be codified as
 17 Section 43-11-28, Mississippi Code of 1972:

18 43-11-28. (1) All care facility residents/patients and
 19 their responsible parties shall be provided at the time of
 20 admission a one-page document, separate and apart from all other
 21 admission documents, which shall contain the contact names and
 22 phone numbers of (a) the ombudsman assigned to the facility; (b)
 23 the head of the care facility's family council or similar
 24 association of residents' families; (c) state government-operated
 25 abuse hotlines, including the Office of the Attorney General and
 26 the Mississippi Department of Health; and (d) information
 27 explaining that in an emergency or life-threatening situation, it
 28 is appropriate to call 911.

29 (2) An identical document shall be prominently posted at all
 30 times in all public places, including, but not limited to,
 31 cafeterias or dining halls, family council meeting rooms and
 32 visiting areas.

33 (3) The facility shall require the resident and the
34 resident's responsible party to sign a log or similar form to show
35 receipt of the document.

36 (4) The State Department of Health may require the care
37 facility to provide additional contact information on the
38 document.

39 (5) Failure to provide the document to the resident and the
40 resident's responsible party at admission or prominently post the
41 document in public areas shall result in (a) a warning for the
42 first violation; and (b) a Two Hundred Fifty Dollar (\$250.00) fine
43 for each additional occurrence. All proceeds from these fines
44 shall be placed in the Vulnerable Adults Education, Training,
45 Investigation and Prosecution Trust Fund, as defined in Section
46 43-47-39, Mississippi Code of 1972.

47 **SECTION 2.** The following provision shall be codified as
48 Section 43-47-39, Mississippi Code of 1972:

49 43-47-39. (1) The Office of Attorney General, Vulnerable
50 Adults Unit, shall establish the Vulnerable Adults Education,
51 Training, Investigation and Prosecution Trust Fund to provide
52 funding for the Vulnerable Adults Unit in the Office of the
53 Attorney General to assist in the education and training of law
54 enforcement officers, judges, state agencies, health professionals
55 and the general public with regard to issues arising under the
56 Vulnerable Adults Act and to provide funding for the Vulnerable
57 Adults Unit in the Office of the Attorney General to assist in the
58 investigation and prosecution of statewide offenders who abuse,
59 neglect or exploit vulnerable adults.

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

62 **SECTION 3.** Section 99-19-73, Mississippi Code of 1972, is
63 amended as follows:

64 99-19-73. (1) **Traffic Violations.** In addition to any
65 monetary penalties and any other penalties imposed by law, there

66 shall be imposed and collected the following state assessment from
 67 each person upon whom a court imposes a fine or other penalty for
 68 any violation in Title 63, Mississippi Code of 1972, except
 69 offenses relating to the Mississippi Implied Consent Law (Section
 70 63-11-1 et seq.) and offenses relating to vehicular parking or
 71 registration:

72 FUND	AMOUNT
73 State Court Education Fund.....	\$ 1.50
74 State Prosecutor Education Fund.....	1.00
75 <u>Vulnerable Adult Education, Training,</u>	
76 <u>Investigation and Prosecution Fund</u>	<u>.50</u>
77 Driver Training Penalty Assessment Fund.....	7.00
78 Law Enforcement Officers Training Fund.....	5.00
79 Spinal Cord and Head Injury Trust Fund	
80 (for all moving violations).....	4.00
81 Emergency Medical Services Operating Fund.....	10.00
82 Mississippi Leadership Council on Aging Fund.....	1.00
83 Law Enforcement Officers and Fire Fighters Death	
84 Benefits Trust Fund.....	.50
85 State Prosecutor Compensation Fund for the purpose	
86 of providing additional compensation for legal	
87 assistants to district attorneys.....	1.00
88 Crisis Intervention Mental Health Fund.....	10.00
89 Drug Court Fund.....	10.00
90 TOTAL STATE ASSESSMENT.....	\$ <u>51.50</u>

91 (2) **Implied Consent Law Violations.** In addition to any
 92 monetary penalties and any other penalties imposed by law, there
 93 shall be imposed and collected the following state assessment from
 94 each person upon whom a court imposes a fine or any other penalty
 95 for any violation of the Mississippi Implied Consent Law (Section
 96 63-11-1 et seq.):

97 FUND	AMOUNT
98 Crime Victims' Compensation Fund.....	\$ 10.00

99	State Court Education Fund.....	1.50
100	State Prosecutor Education Fund.....	1.00
101	<u>Vulnerable Adult Education, Training,</u>	
102	<u>Investigation and Prosecution Fund.....</u>	<u>.50</u>
103	Driver Training Penalty Assessment Fund.....	7.00
104	Driver Training Penalty Assessment Fund.....	22.00
105	Law Enforcement Officers Training Fund.....	11.00
106	Emergency Medical Services Operating Fund.....	10.00
107	Mississippi Alcohol Safety Education Program Fund....	5.00
108	Federal-State Alcohol Program Fund.....	10.00
109	Mississippi Crime Laboratory	
110	Implied Consent Law Fund.....	25.00
111	Spinal Cord and Head Injury Trust Fund.....	25.00
112	Capital Defense Counsel Special Fund.....	1.00
113	State General Fund.....	35.00
114	Law Enforcement Officers and Fire Fighters Death	
115	Benefits Trust Fund.....	.50
116	State Prosecutor Compensation Fund for the purpose	
117	of providing additional compensation for legal	
118	assistants to district attorneys.....	1.00
119	Crisis Intervention Mental Health Fund.....	10.00
120	Drug Court Fund.....	10.00
121	TOTAL STATE ASSESSMENT.....	<u>\$178.50</u>

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

128	FUND	AMOUNT
129	State Court Education Fund.....	\$ 1.50
130	State Prosecutor Education Fund.....	1.00
131	<u>Vulnerable Adult Education, Training,</u>	

132	<u>Investigation and Prosecution Fund</u>	<u>.50</u>
133	Driver Training Penalty Assessment Fund.....	7.00
134	Law Enforcement Officers Training Fund.....	5.00
135	Hunter Education and Training Program Fund.....	5.00
136	State General Fund.....	30.00
137	Law Enforcement Officers and Fire Fighters Death	
138	Benefits Trust Fund.....	.50
139	State Prosecutor Compensation Fund for the purpose	
140	of providing additional compensation for legal	
141	assistants to district attorneys.....	1.00
142	Crisis Intervention Mental Health Fund.....	10.00
143	Drug Court Fund.....	10.00
144	TOTAL STATE ASSESSMENT.....	\$ <u>64.50</u>

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

150	FUND	AMOUNT
151	Statewide Litter Prevention Fund.....	\$ 25.00
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.....	\$ 46.00

158 (5) **Other Misdemeanors.** 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 misdemeanor violation not specified in subsection (1), (2) or (3)
163 of this section, except offenses relating to vehicular parking or
164 registration:

165	FUND	AMOUNT
166	Crime Victims' Compensation Fund.....	\$ 10.00
167	State Court Education Fund.....	1.50
168	State Prosecutor Education Fund.....	1.00
169	<u>Vulnerable Adult Education, Training,</u>	
170	<u>Investigation and Prosecution Fund</u>	<u>.50</u>
171	Driver Training Penalty Assessment Fund.....	7.00
172	Law Enforcement Officers Training Fund.....	5.00
173	Capital Defense Counsel Special Fund.....	1.00
174	State General Fund.....	30.00
175	State Crime Stoppers Fund.....	1.50
176	Law Enforcement Officers and Fire Fighters Death	
177	Benefits Trust Fund.....	.50
178	State Prosecutor Compensation Fund for the purpose	
179	of providing additional compensation for legal	
180	assistants to district attorneys.....	1.00
181	Crisis Intervention Mental Health Fund.....	10.00
182	Drug Court Fund.....	8.00
183	Judicial Performance Fund.....	2.00
184	TOTAL STATE ASSESSMENT.....	\$ <u>72.00</u>

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

191	FUND	AMOUNT
192	Crime Victims' Compensation Fund.....	\$ 10.00
193	State Court Education Fund.....	1.50
194	State Prosecutor Education Fund.....	1.00
195	<u>Vulnerable Adult Education, Training,</u>	
196	<u>Investigation and Prosecution Fund</u>	<u>.50</u>
197	Driver Training Penalty Assessment Fund.....	7.00

198	Law Enforcement Officers Training Fund.....	5.00
199	Capital Defense Counsel Special Fund.....	1.00
200	State General Fund.....	60.00
201	Criminal Justice Fund.....	50.00
202	Law Enforcement Officers and Fire Fighters Death	
203	Benefits Trust Fund.....	.50
204	State Prosecutor Compensation Fund for the purpose	
205	of providing additional compensation for legal	
206	assistants to district attorneys.....	1.00
207	Crisis Intervention Mental Health Fund.....	10.00
208	Drug Court Fund.....	10.00
209	TOTAL STATE ASSESSMENT.....	<u>\$150.50</u>

210 (7) If a fine or other penalty imposed is suspended, in
211 whole or in part, such suspension shall not affect the state
212 assessment under this section. No state assessment imposed under
213 the provisions of this section may be suspended or reduced by the
214 court.

215 (8) After a determination by the court of the amount due, it
216 shall be the duty of the clerk of the court to promptly collect
217 all state assessments imposed under the provisions of this
218 section. The state assessments imposed under the provisions of
219 this section may not be paid by personal check. It shall be the
220 duty of the chancery clerk of each county to deposit all such
221 state assessments collected in the circuit, county and justice
222 courts in such county on a monthly basis with the State Treasurer
223 pursuant to appropriate procedures established by the State
224 Auditor. The chancery clerk shall make a monthly lump-sum deposit
225 of the total state assessments collected in the circuit, county
226 and justice courts in such county under this section, and shall
227 report to the Department of Finance and Administration the total
228 number of violations under each subsection for which state
229 assessments were collected in the circuit, county and justice
230 courts in such county during such month. It shall be the duty of

231 the municipal clerk of each municipality to deposit all such state
232 assessments collected in the municipal court in such municipality
233 on a monthly basis with the State Treasurer pursuant to
234 appropriate procedures established by the State Auditor. The
235 municipal clerk shall make a monthly lump-sum deposit of the total
236 state assessments collected in the municipal court in such
237 municipality under this section, and shall report to the
238 Department of Finance and Administration the total number of
239 violations under each subsection for which state assessments were
240 collected in the municipal court in such municipality during such
241 month.

242 (9) It shall be the duty of the Department of Finance and
243 Administration to deposit on a monthly basis all such state
244 assessments into the proper special fund in the State Treasury.
245 The monthly deposit shall be based upon the number of violations
246 reported under each subsection and the pro rata amount of such
247 assessment due to the appropriate special fund. The Department of
248 Finance and Administration shall issue regulations providing for
249 the proper allocation of these special funds.

250 (10) The State Auditor shall establish by regulation
251 procedures for refunds of state assessments, including refunds
252 associated with assessments imposed before July 1, 1990, and
253 refunds after appeals in which the defendant's conviction is
254 reversed. The Auditor shall provide in such regulations for
255 certification of eligibility for refunds and may require the
256 defendant seeking a refund to submit a verified copy of a court
257 order or abstract by which such defendant is entitled to a refund.
258 All refunds of state assessments shall be made in accordance with
259 the procedures established by the Auditor.

260 **SECTION 4.** This act shall take effect and be in force from
261 and after July 1, 2005.