

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2471: Statewide monetary assessments; increase to fund vulnerable adult education and protection, trauma care, and spinal injury.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

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

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 and 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 and 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 and Trust Fund</u> ....	.50
172	<u>Child Support Prosecution Trust Fund</u> .....	.50
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 and Trust Fund</u> ....	.50
193	<u>Child Support Prosecution Trust Fund</u> .....	.50
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 and 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.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE SENATE

X (SIGNED)
Tollison

X (SIGNED)
Thomas

X (SIGNED)
Morgan

CONFEREES FOR THE HOUSE

X (SIGNED)
Smith (39th)

X (SIGNED)
Carlton

X (SIGNED)
Dedeaux