

## House Amendments to Senate Bill No. 2471

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

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

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

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

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

29           99-19-73. (1) **Traffic Violations.** In addition to any  
30 monetary penalties and any other penalties imposed by law, there  
31 shall be imposed and collected the following state assessment from  
32 each person upon whom a court imposes a fine or other penalty for  
33 any violation in Title 63, Mississippi Code of 1972, except  
34 offenses relating to the Mississippi Implied Consent Law (Section

35 63-11-1 et seq.) and offenses relating to vehicular parking or  
 36 registration:

37 FUND	AMOUNT
38 State Court Education Fund.....	\$ 1.50
39 State Prosecutor Education Fund.....	1.00
40 Driver Training Penalty Assessment Fund.....	7.00
41 Law Enforcement Officers Training Fund.....	5.00
42 Spinal Cord and Head Injury Trust Fund	
43 (for all moving violations).....	<u>6.00</u>
44 Emergency Medical Services Operating Fund.....	<u>15.00</u>
45 Mississippi Leadership Council on Aging Fund.....	1.00
46 Law Enforcement Officers and Fire Fighters Death	
47 Benefits Trust Fund.....	.50
48 State Prosecutor Compensation Fund for the purpose	
49 of providing additional compensation for legal	
50 assistants to district attorneys.....	1.00
51 Crisis Intervention Mental Health Fund.....	10.00
52 Drug Court Fund.....	10.00
53 TOTAL STATE ASSESSMENT.....	\$ <u>58.00</u>

54 (2) **Implied Consent Law Violations.** In addition to any  
 55 monetary penalties and any other penalties imposed by law, there  
 56 shall be imposed and collected the following state assessment from  
 57 each person upon whom a court imposes a fine or any other penalty  
 58 for any violation of the Mississippi Implied Consent Law (Section  
 59 63-11-1 et seq.):

60 FUND	AMOUNT
61 Crime Victims' Compensation Fund.....	\$ 10.00
62 State Court Education Fund.....	1.50
63 State Prosecutor Education Fund.....	1.00
64 Driver Training Penalty Assessment Fund.....	22.00
65 Law Enforcement Officers Training Fund.....	11.00
66 Emergency Medical Services Operating Fund.....	<u>15.00</u>
67 Mississippi Alcohol Safety Education Program Fund....	5.00
68 Federal-State Alcohol Program Fund.....	10.00
69 Mississippi Crime Laboratory	

70	Implied Consent Law Fund.....	25.00
71	Spinal Cord and Head Injury Trust Fund.....	25.00
72	Capital Defense Counsel Special Fund.....	1.00
73	State General Fund.....	35.00
74	Law Enforcement Officers and Fire Fighters Death	
75	Benefits Trust Fund.....	.50
76	State Prosecutor Compensation Fund for the purpose	
77	of providing additional compensation for legal	
78	assistants to district attorneys.....	1.00
79	Crisis Intervention Mental Health Fund.....	10.00
80	Drug Court Fund.....	10.00
81	TOTAL STATE ASSESSMENT.....	<u>\$183.00</u>

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

88	FUND	AMOUNT
89	State Court Education Fund.....	\$ 1.50
90	State Prosecutor Education Fund.....	1.00
91	Law Enforcement Officers Training Fund.....	5.00
92	Hunter Education and Training Program Fund.....	5.00
93	State General Fund.....	30.00
94	Law Enforcement Officers and Fire Fighters Death	
95	Benefits Trust Fund.....	.50
96	State Prosecutor Compensation Fund for the purpose	
97	of providing additional compensation for legal	
98	assistants to district attorneys.....	1.00
99	Crisis Intervention Mental Health Fund.....	10.00
100	Drug Court Fund.....	10.00
101	TOTAL STATE ASSESSMENT.....	<u>\$ 64.00</u>

102 (4) **Litter Law Violations.** In addition to any monetary  
103 penalties and any other penalties imposed by law, there shall be  
104 imposed and collected the following state assessment from each

105 person upon whom a court imposes a fine or other penalty for any  
106 violation of Section 97-15-29 or 97-15-30:

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

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

122	FUND	AMOUNT
123	Crime Victims' Compensation Fund.....	\$ 10.00
124	State Court Education Fund.....	1.50
125	State Prosecutor Education Fund.....	1.00
126	Law Enforcement Officers Training Fund.....	5.00
127	Capital Defense Counsel Special Fund.....	1.00
128	State General Fund.....	30.00
129	State Crime Stoppers Fund.....	1.50
130	Law Enforcement Officers and Fire Fighters Death	
131	Benefits Trust Fund.....	.50
132	State Prosecutor Compensation Fund for the purpose	
133	of providing additional compensation for legal	
134	assistants to district attorneys.....	1.00
135	Crisis Intervention Mental Health Fund.....	10.00
136	Drug Court Fund.....	8.00
137	Judicial Performance Fund.....	2.00
138	TOTAL STATE ASSESSMENT.....	<u>\$71.50</u>

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

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

161           (7) If a fine or other penalty imposed is suspended, in  
 162 whole or in part, such suspension shall not affect the state  
 163 assessment under this section. No state assessment imposed under  
 164 the provisions of this section may be suspended or reduced by the  
 165 court.

166           (8) After a determination by the court of the amount due, it  
 167 shall be the duty of the clerk of the court to promptly collect  
 168 all state assessments imposed under the provisions of this  
 169 section. The state assessments imposed under the provisions of  
 170 this section may not be paid by personal check. It shall be the  
 171 duty of the chancery clerk of each county to deposit all such  
 172 state assessments collected in the circuit, county and justice  
 173 courts in such county on a monthly basis with the State Treasurer

174 pursuant to appropriate procedures established by the State  
175 Auditor. The chancery clerk shall make a monthly lump-sum deposit  
176 of the total state assessments collected in the circuit, county  
177 and justice courts in such county under this section, and shall  
178 report to the Department of Finance and Administration the total  
179 number of violations under each subsection for which state  
180 assessments were collected in the circuit, county and justice  
181 courts in such county during such month. It shall be the duty of  
182 the municipal clerk of each municipality to deposit all such state  
183 assessments collected in the municipal court in such municipality  
184 on a monthly basis with the State Treasurer pursuant to  
185 appropriate procedures established by the State Auditor. The  
186 municipal clerk shall make a monthly lump-sum deposit of the total  
187 state assessments collected in the municipal court in such  
188 municipality under this section, and shall report to the  
189 Department of Finance and Administration the total number of  
190 violations under each subsection for which state assessments were  
191 collected in the municipal court in such municipality during such  
192 month.

193 (9) It shall be the duty of the Department of Finance and  
194 Administration to deposit on a monthly basis all such state  
195 assessments into the proper special fund in the State Treasury.  
196 The monthly deposit shall be based upon the number of violations  
197 reported under each subsection and the pro rata amount of such  
198 assessment due to the appropriate special fund. The Department of  
199 Finance and Administration shall issue regulations providing for  
200 the proper allocation of these special funds.

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

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

211 **SECTION 3.** Section 9-23-51, Mississippi Code of 1972, is  
212 amended as follows:

213 9-23-51. There is created in the State Treasury a special  
214 interest-bearing fund to be known as the Drug Court Fund. The  
215 purpose of the fund shall be to provide supplemental funding to  
216 all drug courts in the state. Monies from the funds derived from  
217 assessments under Section 99-19-73 shall be distributed by the  
218 State Treasurer upon warrants issued by the Administrative Office  
219 of Courts, pursuant to procedures set by the State Drug Courts  
220 Advisory Committee to assist both juvenile drug courts and adult  
221 drug courts \* \* \*. Funds from other sources shall be distributed  
222 to the drug courts in the state based on a formula set by the  
223 State Drug Courts Advisory Committee. The fund shall be a  
224 continuing fund, not subject to fiscal-year limitations, and shall  
225 consist of: (a) monies appropriated by the Legislature for the  
226 purposes of funding drug courts; (b) the interest accruing to the  
227 fund; (c) monies received under the provisions of Section  
228 99-19-73; (d) monies received from the federal government; and (e)  
229 monies received from such other sources as may be provided by law.

230 **SECTION 4.** This act shall take effect and be in force from  
231 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 AMEND SECTION 41-59-75, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE DISPOSITION OF TRAUMA CARE FUNDS; TO AMEND SECTION  
3 99-19-73, MISSISSIPPI CODE OF 1972, TO INCREASE THE STANDARD STATE  
4 ASSESSMENT FOR TRAFFIC AND IMPLIED CONSENT LAW VIOLATIONS WHICH  
5 ARE DEDICATED FOR THE EMERGENCY MEDICAL SERVICES OPERATING FUND  
6 AND THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO AMEND SECTION  
7 9-23-51, MISSISSIPPI CODE OF 1972, TO REVISE THE DISTRIBUTION OF  
8 FUNDS FROM THE DRUG COURT FUND; AND FOR RELATED PURPOSES.

HR40\SB2471PH.J

Don Richardson  
Clerk of the House of Representatives