

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2471**

**BY: Committee**

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

9           **SECTION 1.** Section 41-59-75, Mississippi Code of 1972, is  
10 amended as follows:  
11           41-59-75. The Mississippi Trauma Care Systems Fund is  
12 established. Ten Dollars (\$10.00) collected from each assessment  
13 of Fifteen Dollars (\$15.00) as provided in Section 41-59-61, and  
14 any other funds made available for funding the trauma care system,  
15 shall be deposited into the fund. Funds appropriated from the  
16 Mississippi Trauma Care Systems Fund to the State Board of Health  
17 shall be made available for department administration and  
18 implementation of the comprehensive state trauma care plan for  
19 distribution by the department to designated trauma care regions  
20 for regional administration, for the department's trauma specific  
21 public information and education plan, and to provide hospital and  
22 physician indigent trauma care block grant funding to trauma  
23 centers designated by the department. All designated trauma care  
24 hospitals are eligible to contract with the department for these  
25 funds.

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

28           99-19-73. (1) **Traffic Violations.** In addition to any  
 29 monetary penalties and any other penalties imposed by law, there  
 30 shall be imposed and collected the following state assessment from  
 31 each person upon whom a court imposes a fine or other penalty for  
 32 any violation in Title 63, Mississippi Code of 1972, except  
 33 offenses relating to the Mississippi Implied Consent Law (Section  
 34 63-11-1 et seq.) and offenses relating to vehicular parking or  
 35 registration:

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

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

59           FUND	AMOUNT
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60	Crime Victims' Compensation Fund.....	\$ 10.00
61	State Court Education Fund.....	1.50
62	State Prosecutor Education Fund.....	1.00
63	Driver Training Penalty Assessment Fund.....	22.00
64	Law Enforcement Officers Training Fund.....	11.00
65	Emergency Medical Services Operating Fund.....	<u>15.00</u>
66	Mississippi Alcohol Safety Education Program Fund....	5.00
67	Federal-State Alcohol Program Fund.....	10.00
68	Mississippi Crime Laboratory	
69	Implied Consent Law Fund.....	25.00
70	Spinal Cord and Head Injury Trust Fund.....	25.00
71	Capital Defense Counsel Special Fund.....	1.00
72	State General Fund.....	35.00
73	Law Enforcement Officers and Fire Fighters Death	
74	Benefits Trust Fund.....	.50
75	State Prosecutor Compensation Fund for the purpose	
76	of providing additional compensation for legal	
77	assistants to district attorneys.....	1.00
78	Crisis Intervention Mental Health Fund.....	10.00
79	Drug Court Fund.....	10.00
80	TOTAL STATE ASSESSMENT.....	<u>\$183.00</u>

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

87	FUND	AMOUNT
88	State Court Education Fund.....	\$ 1.50
89	State Prosecutor Education Fund.....	1.00
90	Law Enforcement Officers Training Fund.....	5.00
91	Hunter Education and Training Program Fund.....	5.00

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

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

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

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

121	FUND	AMOUNT
122	Crime Victims' Compensation Fund.....	\$ 10.00
123	State Court Education Fund.....	1.50

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

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

144	FUND	AMOUNT
145	Crime Victims' Compensation Fund.....	\$ 10.00
146	State Court Education Fund.....	1.50
147	State Prosecutor Education Fund.....	1.00
148	Law Enforcement Officers Training Fund.....	5.00
149	Capital Defense Counsel Special Fund.....	1.00
150	State General Fund.....	60.00
151	Criminal Justice Fund.....	50.00
152	Law Enforcement Officers and Fire Fighters Death	
153	Benefits Trust Fund.....	.50
154	State Prosecutor Compensation Fund for the purpose	
155	of providing additional compensation for legal	

156	assistants to district attorneys.....	1.00
157	Crisis Intervention Mental Health Fund.....	10.00
158	Drug Court Fund.....	10.00
159	TOTAL STATE ASSESSMENT.....	<u>\$150.00</u>

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

165 (8) After a determination by the court of the amount due, it  
166 shall be the duty of the clerk of the court to promptly collect  
167 all state assessments imposed under the provisions of this  
168 section. The state assessments imposed under the provisions of  
169 this section may not be paid by personal check. It shall be the  
170 duty of the chancery clerk of each county to deposit all such  
171 state assessments collected in the circuit, county and justice  
172 courts in such county on a monthly basis with the State Treasurer  
173 pursuant to appropriate procedures established by the State  
174 Auditor. The chancery clerk shall make a monthly lump-sum deposit  
175 of the total state assessments collected in the circuit, county  
176 and justice courts in such county under this section, and shall  
177 report to the Department of Finance and Administration the total  
178 number of violations under each subsection for which state  
179 assessments were collected in the circuit, county and justice  
180 courts in such county during such month. It shall be the duty of  
181 the municipal clerk of each municipality to deposit all such state  
182 assessments collected in the municipal court in such municipality  
183 on a monthly basis with the State Treasurer pursuant to  
184 appropriate procedures established by the State Auditor. The  
185 municipal clerk shall make a monthly lump-sum deposit of the total  
186 state assessments collected in the municipal court in such  
187 municipality under this section, and shall report to the

188 Department of Finance and Administration the total number of  
189 violations under each subsection for which state assessments were  
190 collected in the municipal court in such municipality during such  
191 month.

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

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

210 **SECTION 3.** This act shall take effect and be in force from  
211 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; AND FOR RELATED  
7 PURPOSES.