

By: Senator(s) Ross

To: Judiciary, Division B

SENATE BILL NO. 2686

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE STATEWIDE MONETARY ASSESSMENT DEDICATED TO THE
3 CAPITAL DEFENSE FUND; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 99-19-73, Mississippi Code of 1972, is
6 amended as follows:

7 99-19-73. (1) **Traffic violations.** In addition to any
8 monetary penalties and any other penalties imposed by law, there
9 shall be imposed and collected the following state assessment from
10 each person upon whom a court imposes a fine or other penalty for
11 any violation in Title 63, Mississippi Code of 1972, except
12 offenses relating to the Mississippi Implied Consent Law (Section
13 63-11-1 et seq.) and offenses relating to vehicular parking or
14 registration:

FUND	AMOUNT
State Court Education Fund.....	\$ 1.50
State Prosecutor Education Fund.....	1.00
Vulnerable Adults Training, Investigation and Prosecution Trust Fund.....	.50
Child Support Prosecution Trust Fund.....	.50
Driver Training Penalty Assessment Fund.....	7.00
Law Enforcement Officers Training Fund.....	5.00
Spinal Cord and Head Injury Trust Fund (for all moving violations).....	6.00
Emergency Medical Services Operating Fund.....	15.00
Mississippi Leadership Council on Aging Fund.....	1.00
Law Enforcement Officers and Fire Fighters Death	

28	Benefits Trust Fund.....	.50
29	Law Enforcement Officers and Fire Fighters	
30	Disability Benefits Trust Fund.....	1.00
31	State Prosecutor Compensation Fund for the purpose	
32	of providing additional compensation for legal	
33	assistants to district attorneys.....	1.50
34	Crisis Intervention Mental Health Fund.....	10.00
35	Drug Court Fund.....	10.00
36	Capital Defense Counsel Fund.....	<u>2.89</u>
37	Indigent Appeals Fund.....	2.29
38	Capital Post-Conviction Counsel Fund.....	2.33
39	Victims of Domestic Violence Fund.....	.49
40	TOTAL STATE ASSESSMENT.....	\$ <u>68.50</u>

41 (2) **Implied Consent Law violations.** In addition to any
42 monetary penalties and any other penalties imposed by law, there
43 shall be imposed and collected the following state assessment from
44 each person upon whom a court imposes a fine or any other penalty
45 for any violation of the Mississippi Implied Consent Law (Section
46 63-11-1 et seq.):

47	FUND	AMOUNT
48	Crime Victims' Compensation Fund.....	\$ 10.00
49	State Court Education Fund.....	1.50
50	State Prosecutor Education Fund.....	1.00
51	Vulnerable Adults Training,	
52	Investigation and Prosecution Trust Fund.....	.50
53	Child Support Prosecution Trust Fund.....	.50
54	Driver Training Penalty Assessment Fund.....	22.00
55	Law Enforcement Officers Training Fund.....	11.00
56	Emergency Medical Services Operating Fund.....	15.00
57	Mississippi Alcohol Safety Education Program Fund....	5.00
58	Federal-State Alcohol Program Fund.....	10.00
59	Mississippi Crime Laboratory	
60	Implied Consent Law Fund.....	25.00

61	Spinal Cord and Head Injury Trust Fund.....	25.00
62	Capital Defense Counsel Fund.....	<u>2.89</u>
63	Indigent Appeals Fund.....	2.29
64	Capital Post-Conviction Counsel Fund.....	2.33
65	Victims of Domestic Violence Fund.....	.49
66	State General Fund.....	35.00
67	Law Enforcement Officers and Fire Fighters Death	
68	Benefits Trust Fund.....	.50
69	Law Enforcement Officers and Fire Fighters Disability	
70	Benefits Trust Fund.....	1.00
71	State Prosecutor Compensation Fund for the purpose	
72	of providing additional compensation for legal	
73	assistants to district attorneys.....	1.50
74	Crisis Intervention Mental Health Fund.....	10.00
75	Drug Court Fund.....	10.00
76	TOTAL STATE ASSESSMENT.....	<u>\$192.50</u>

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

83	FUND	AMOUNT
84	State Court Education Fund.....	\$ 1.50
85	State Prosecutor Education Fund.....	1.00
86	Law Enforcement Officers Training Fund.....	5.00
87	Hunter Education and Training Program Fund.....	5.00
88	State General Fund.....	30.00
89	Law Enforcement Officers and Fire Fighters Death	
90	Benefits Trust Fund.....	.50
91	Law Enforcement Officers and Fire Fighters Disability	
92	Benefits Trust Fund.....	1.00
93	State Prosecutor Compensation Fund for the purpose	

94	of providing additional compensation for legal	
95	assistants to district attorneys.....	1.00
96	Crisis Intervention Mental Health Fund.....	10.00
97	Drug Court Fund.....	10.00
98	Capital Defense Counsel Fund.....	<u>2.89</u>
99	Indigent Appeals Fund.....	2.29
100	Capital Post-Conviction Counsel Fund.....	2.33
101	Victims of Domestic Violence Fund.....	.49
102	TOTAL STATE ASSESSMENT.....	\$ <u>73.00</u>

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

108	FUND	AMOUNT
109	Statewide Litter Prevention Fund.....	\$ 25.00
110	TOTAL STATE ASSESSMENT.....	\$ 25.00

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

118	FUND	AMOUNT
119	Crime Victims' Compensation Fund.....	\$ 10.00
120	State Court Education Fund.....	1.50
121	State Prosecutor Education Fund.....	1.00
122	Vulnerable Adults Training, Investigation and Prosecution Trust Fund.....	.50
123	Child Support Prosecution Trust Fund.....	.50
124	Law Enforcement Officers Training Fund.....	5.00
125	Capital Defense Counsel Fund.....	<u>2.89</u>
126		

127	Indigent Appeals Fund.....	2.29
128	Capital Post-Conviction Counsel Fund.....	2.33
129	Victims of Domestic Violence Fund.....	.49
130	State General Fund.....	30.00
131	State Crime Stoppers Fund.....	1.50
132	Law Enforcement Officers and Fire Fighters Death	
133	Benefits Trust Fund.....	.50
134	Law Enforcement Officers and Fire Fighters Disability	
135	Benefits Trust Fund.....	1.00
136	State Prosecutor Compensation Fund for the purpose	
137	of providing additional compensation for legal	
138	assistants to district attorneys.....	1.50
139	Crisis Intervention Mental Health Fund.....	10.00
140	Drug Court Fund.....	8.00
141	Judicial Performance Fund.....	2.00
142	TOTAL STATE ASSESSMENT.....	\$ <u>81.00</u>

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

149	FUND	AMOUNT
150	Crime Victims' Compensation Fund.....	\$ 10.00
151	State Court Education Fund.....	1.50
152	State Prosecutor Education Fund.....	1.00
153	Vulnerable Adults Training,	
154	Investigation and Prosecution Trust Fund.....	.50
155	Child Support Prosecution Trust Fund.....	.50
156	Law Enforcement Officers Training Fund.....	5.00
157	Capital Defense Counsel Fund.....	<u>2.89</u>
158	Indigent Appeals Fund.....	2.29
159	Capital Post-Conviction Counsel Fund.....	2.33

160	Victims of Domestic Violence Fund.....	.49
161	State General Fund.....	60.00
162	Criminal Justice Fund.....	50.00
163	Law Enforcement Officers and Fire Fighters Death	
164	Benefits Trust Fund.....	.50
165	Law Enforcement Officers and Fire Fighters Disability	
166	Benefits Trust Fund.....	1.00
167	State Prosecutor Compensation Fund for the purpose	
168	of providing additional compensation for legal	
169	assistants to district attorneys.....	1.50
170	Crisis Intervention Mental Health Fund.....	10.00
171	Drug Court Fund.....	10.00
172	TOTAL STATE ASSESSMENT.....	<u>\$159.50</u>

173 (7) If a fine or other penalty imposed is suspended, in
174 whole or in part, such suspension shall not affect the state
175 assessment under this section. No state assessment imposed under
176 the provisions of this section may be suspended or reduced by the
177 court.

178 (8) After a determination by the court of the amount due, it
179 shall be the duty of the clerk of the court to promptly collect
180 all state assessments imposed under the provisions of this
181 section. The state assessments imposed under the provisions of
182 this section may not be paid by personal check. It shall be the
183 duty of the chancery clerk of each county to deposit all such
184 state assessments collected in the circuit, county and justice
185 courts in such county on a monthly basis with the State Treasurer
186 pursuant to appropriate procedures established by the State
187 Auditor. The chancery clerk shall make a monthly lump-sum deposit
188 of the total state assessments collected in the circuit, county
189 and justice courts in such county under this section, and shall
190 report to the Department of Finance and Administration the total
191 number of violations under each subsection for which state
192 assessments were collected in the circuit, county and justice

193 courts in such county during such month. It shall be the duty of
194 the municipal clerk of each municipality to deposit all such state
195 assessments collected in the municipal court in such municipality
196 on a monthly basis with the State Treasurer pursuant to
197 appropriate procedures established by the State Auditor. The
198 municipal clerk shall make a monthly lump-sum deposit of the total
199 state assessments collected in the municipal court in such
200 municipality under this section, and shall report to the
201 Department of Finance and Administration the total number of
202 violations under each subsection for which state assessments were
203 collected in the municipal court in such municipality during such
204 month.

205 (9) It shall be the duty of the Department of Finance and
206 Administration to deposit on a monthly basis all such state
207 assessments into the proper special fund in the State Treasury.
208 The monthly deposit shall be based upon the number of violations
209 reported under each subsection and the pro rata amount of such
210 assessment due to the appropriate special fund. The Department of
211 Finance and Administration shall issue regulations providing for
212 the proper allocation of these special funds.

213 (10) The State Auditor shall establish by regulation
214 procedures for refunds of state assessments, including refunds
215 associated with assessments imposed before July 1, 1990, and
216 refunds after appeals in which the defendant's conviction is
217 reversed. The Auditor shall provide in such regulations for
218 certification of eligibility for refunds and may require the
219 defendant seeking a refund to submit a verified copy of a court
220 order or abstract by which such defendant is entitled to a refund.
221 All refunds of state assessments shall be made in accordance with
222 the procedures established by the Auditor.

223 **SECTION 2.** This act shall take effect and be in force from
224 and after July 1, 2007.