

By: Representative Frierson

To: Appropriations

HOUSE BILL NO. 298

1 AN ACT TO AMEND SECTIONS 9-11-35, 9-19-31, 9-21-43, 9-23-51,
 2 21-23-23, 37-25-17, 37-26-11, 37-119-11, 41-21-151, 41-29-189,
 3 41-59-61, 41-59-75, 43-19-61, 43-47-39, 45-1-29, 45-1-45, 45-2-1,
 4 45-2-21, 45-6-21, 63-11-33, 77-9-250, 93-21-31, 93-21-117,
 5 93-21-305, 99-18-17, 99-19-32, 99-39-117, 99-40-1, 99-41-29 AND
 6 99-45-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT EXPENDITURES
 7 FROM ANY SPECIAL FUND IN THE STATE TREASURY INTO WHICH STATE
 8 ASSESSMENTS ARE DEPOSITED MUST BE APPROPRIATED BY THE LEGISLATURE;
 9 TO BRING FORWARD SECTION 99-19-73, MISSISSIPPI CODE OF 1972, FOR
 10 THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 9-11-35, Mississippi Code of 1972, is
 13 amended as follows:

14 9-11-35. (1) There is created in the State Treasury a
 15 special fund to be known as the Justice Court Collections Fund,
 16 which shall be administered by the Department of Revenue. The
 17 purpose of the fund shall be to provide support for salaries of
 18 justice court personnel, for the purchase, operation and
 19 maintenance of software and equipment, for facility planning and
 20 improvement, and for other expenses incurred for the purpose of
 21 collecting fines and assessments within the justice court system.
 22 Monies in the fund shall be expended by the Department of Revenue,



23 upon appropriation by the Legislature. The fund * * * shall
24 consist of:

- 25 (a) Monies appropriated by the Legislature for the
- 26 purposes of funding the Justice Court Collections Program;
- 27 (b) The interest accruing to the fund;
- 28 (c) Monies received under the provisions of Section
- 29 99-19-73;
- 30 (d) Monies received from the federal government;
- 31 (e) Donations; and
- 32 (f) Monies received from such other sources as may be
- 33 provided by law.

34 (2) The Department of Revenue shall promulgate rules and
35 procedures relating to the administration of the special fund and
36 the disbursement of monies in the fund to participating counties.
37 The Department of Revenue shall promulgate rules and procedures to
38 insure that the justice court system of a participating county
39 practices proper and effective collection procedures for the
40 collection of fines and other assessments. The county may use
41 monies from the fund to defray the costs associated with
42 collection actions under Section 19-3-41(4) for collection of
43 delinquent fines and other assessments. The county shall
44 participate in collection actions under Section 19-3-41(2) for
45 collection of delinquent fines and other assessments in order to
46 qualify for monies from the fund. The maximum amount that a
47 county may receive from the special fund shall be an amount equal



48 to the deposits made into the fund by that county, less five
49 percent (5%) to be retained by the Department of Revenue to defray
50 the costs of administering the special fund. Interest earned on
51 the special fund and any additional monies deposited into the fund
52 shall remain in the fund and not lapse into the State General Fund
53 at the end of a fiscal year, and shall be used for the benefit of
54 the Department of Revenue, at the discretion of the Commissioner
55 of Revenue.

56 **SECTION 2.** Section 9-19-31, Mississippi Code of 1972, is
57 amended as follows:

58 9-19-31. There is created in the State Treasury a special
59 interest-bearing fund to be known as the Judicial Performance
60 Fund. The purpose of the fund shall be to provide supplemental
61 funding to the Commission on Judicial Performance. Monies * * *
62 in the fund shall be expended by the Commission on Judicial
63 Performance, upon appropriation by the Legislature.

64 The fund * * * shall consist of: (a) monies appropriated by
65 the Legislature for the purpose of funding the Commission on
66 Judicial Performance; (b) the interest accruing to the fund; (c)
67 monies received under the provisions of Section 99-19-73; (d)
68 monies received from the federal government; and (e) monies
69 received from such other sources as may be provided by law. Money
70 remaining in the fund at the end of a fiscal year shall not lapse
71 into the State General Fund.



72 **SECTION 3.** Section 9-21-43, Mississippi Code of 1972, is
73 amended as follows:

74 9-21-43. (1) There is * * * created in the State Treasury a
75 special fund designated as the Civil Legal Assistance Fund. The
76 funds shall be administered by the Supreme Court through the
77 Administrative Office of Courts. The Administrative Office of
78 Courts may also accept monies from any public or private source
79 for deposit into the fund. Monies in the fund shall be expended
80 by the Administrative Office of Courts, upon appropriation by the
81 Legislature. Money remaining in the fund at the end of a fiscal
82 year shall not lapse into the State General Fund, and any interest
83 earned from the investment of monies in the fund shall be
84 deposited to the credit of the * * * fund.

85 (2) All monies shall be allocated to only those
86 organizations providing legal services to low income
87 Mississippians. Furthermore, no monies from this fund shall be
88 expended to provide legal services in matters currently prohibited
89 by the Legal Services Corporation, Washington, D.C., and no funds
90 shall be expended on persons who are not financially eligible to
91 receive legal services as directed by the Legal Services
92 Corporation, Washington, D.C.

93 (3) The monies appropriated shall be distributed to eligible
94 legal services programs based on the percentage of poverty
95 population within the program service area, consistent with the
96 formula used by the Legal Services Corporation.



97 (4) Monies appropriated to the fund may be used to promote
98 increased participation by the private bar in the delivery of
99 legal services to the indigent through the Mississippi Volunteer
100 Lawyers Project.

101 (5) Recipients of funds shall have the following duties:

102 (a) To develop, operate and administer programs within
103 their respective service areas that provide free legal services to
104 indigent clients involved in civil matters;

105 (b) To report annually to the Supreme Court, through
106 the Administrative Office of Courts, on its activities, including
107 providing a copy of its annual audit that accounts for the use of
108 the funds; and

109 (c) To refund annually all unused or uncommitted funds.

110 **SECTION 4.** Section 9-23-51, Mississippi Code of 1972, is
111 amended as follows:

112 9-23-51. There is created in the State Treasury a special
113 interest-bearing fund to be known as the Drug Court Fund. The
114 purpose of the fund shall be to provide supplemental funding to
115 all drug courts in the state. Monies * * * in the fund shall be
116 * * * expended by the Administrative Office of Courts, upon
117 appropriation by the Legislature, pursuant to procedures set by
118 the State Drug Courts Advisory Committee to assist both juvenile
119 drug courts and adult drug courts. * * *

120 The fund * * * shall consist of: (a) monies appropriated by
121 the Legislature for the purposes of funding drug courts; (b) the



122 interest accruing to the fund; (c) monies received under the
123 provisions of Section 99-19-73; (d) monies received from the
124 federal government; and (e) monies received from such other
125 sources as may be provided by law. Money remaining in the fund at
126 the end of a fiscal year shall not lapse into the State General
127 Fund.

128 **SECTION 5.** Section 21-23-23, Mississippi Code of 1972, is
129 amended as follows:

130 21-23-23. (1) There is created in the State Treasury a
131 special fund to be known as the Municipal Court Collections Fund,
132 which shall be administered by the Department of Revenue. The
133 purpose of the fund shall be to provide support for salaries of
134 municipal court personnel, for the purchase, operation and
135 maintenance of software and equipment, for facility planning and
136 improvement, and for other expenses incurred for the purpose of
137 collecting fines and assessments within the municipal court
138 system. Monies in the fund shall be expended by the Department of
139 Revenue, upon appropriation by the Legislature. The fund * * *
140 shall consist of:

- 141 (a) Monies appropriated by the Legislature for the
142 purposes of funding the Municipal Court Collections Program;
143 (b) The interest accruing to the fund;
144 (c) Monies received under the provisions of Section
145 99-19-73;
146 (d) Monies received from the federal government;



147 (e) Donations; and
148 (f) Monies received from such other sources as may be
149 provided by law.

150 (2) The Department of Revenue shall promulgate rules and
151 procedures relating to the administration of the special fund and
152 the disbursement of monies in the fund to participating
153 municipalities. The Department of Revenue shall promulgate rules
154 and procedures to insure that the municipal court system of a
155 participating municipality practices proper and effective
156 collection procedures for the collection of fines and other
157 assessments. If a municipality uses its own employees to collect
158 delinquent fines and other assessments owed to the municipality,
159 then it may use monies from the fund to defray the costs
160 associated with these collection actions. In addition, the
161 governing authority of a participating municipality shall contract
162 with a private attorney or private collection agent or agency to
163 collect delinquent criminal fines and other assessments as
164 provided in Section 21-17-1(6) in order to qualify for monies from
165 the fund. The maximum amount that a municipality may receive from
166 the special fund shall be an amount equal to the deposits made
167 into the fund by that municipality, less five percent (5%) to be
168 retained by the Department of Revenue to defray the costs of
169 administering the special fund. Interest earned on the special
170 fund and any additional monies deposited into the fund shall
171 remain in the fund and not lapse into the State General Fund at



172 the end of a fiscal year, and shall be used for the benefit of the
173 Department of Revenue, at the discretion of the Commissioner of
174 Revenue. Notwithstanding the preceding provision, the Department
175 of Revenue is authorized to award excess monies in the Municipal
176 Court Collections Fund as a grant to participating municipalities
177 so long as the use of those funds are consistent with the purpose
178 of the Municipal Court Collections Program.

179 **SECTION 6.** Section 37-25-17, Mississippi Code of 1972, is
180 amended as follows:

181 37-25-17. Such assessments as are collected under
182 subsections (1) and (2) of Section 99-19-73 shall be deposited in
183 the Driver Training Penalty Assessment Fund, which fund is * * *
184 created in the State Treasury, to be used exclusively as provided
185 in this chapter. Monies in the fund shall be expended upon
186 appropriation by the Legislature. Money remaining in the fund at
187 the end of a fiscal year shall not lapse into the State General
188 Fund, and any interest earned from the investment of monies in the
189 fund shall be deposited to the credit of the fund.

190 **SECTION 7.** Section 37-26-11, Mississippi Code of 1972, is
191 amended as follows:

192 37-26-11. There is created in the State Treasury a special
193 fund to be known as the Children's Advocacy Centers Fund, which
194 shall be administered by the Office of the Attorney General. The
195 purpose of the fund shall be for training forensic interviewers in
196 child abuse and child sexual abuse cases, training law enforcement



197 officers and prosecutors about child abuse cases, expanding the
198 number of Children's Advocacy Centers of Mississippi to
199 underserved areas, and other related purposes. Monies in the fund
200 shall be expended by the Attorney General, upon appropriation by
201 the Legislature. The fund * * * shall consist of:

202 (a) Monies appropriated by the Legislature for the
203 purposes of funding the Children's Advocacy Centers of
204 Mississippi;

205 (b) The interest accruing to the fund;

206 (c) Monies received under the provisions of Section
207 99-19-73;

208 (d) Monies received from the federal government;

209 (e) Donations; and

210 (f) Monies received from such other sources as may be
211 provided by law.

212 Money remaining in the fund at the end of a fiscal year shall
213 not lapse into the State General Fund.

214 **SECTION 8.** Section 37-119-11, Mississippi Code of 1972, is
215 amended as follows:

216 37-119-11. There is created in the State Treasury a special
217 fund to be known as the DuBard School for Language Disorders Fund,
218 which shall be administered by the Board of Trustees of State
219 Institutions of Higher Learning. The purpose of the fund shall be
220 to support the DuBard School for Language Disorders at the
221 University of Southern Mississippi. Monies in the fund shall be



222 expended by the board of trustees, upon appropriation by the
223 Legislature. The fund * * * shall consist of:

224 (a) Monies appropriated by the Legislature for the
225 purposes of funding the DuBard School for Language Disorders;

226 (b) The interest accruing to the fund;

227 (c) Monies received under the provisions of Section
228 99-19-73;

229 (d) Monies received from the federal government;

230 (e) Donations; and

231 (f) Monies received from such other sources as may be
232 provided by law.

233 Money remaining in the fund at the end of a fiscal year shall
234 not lapse into the State General Fund.

235 **SECTION 9.** Section 41-21-151, Mississippi Code of 1972, is
236 amended as follows:

237 41-21-151. There is created in the State Treasury a special
238 interest-bearing fund to be known as the Crisis Intervention
239 Mental Health Fund. The purpose of the fund shall be to provide
240 funding for the seven (7) mental health crisis centers in the
241 state and the Special Treatment Facility located in Harrison
242 County. Monies * * * in the fund * * * shall be * * * expended by
243 the Department of Mental Health, upon appropriation by the
244 Legislature.

245 The fund * * * shall consist of: (a) monies appropriated by
246 the Legislature for the purposes of funding mental health crisis



247 centers and the Special Treatment Facility; (b) the interest
248 accruing to the fund; (c) monies received under the provisions of
249 Section 99-19-73; (d) monies received from the federal government;
250 and (e) monies received from such other sources as may be provided
251 by law.

252 Money remaining in the fund at the end of a fiscal year shall
253 not lapse into the State General Fund.

254 **SECTION 10.** Section 41-29-189, Mississippi Code of 1972, is
255 amended as follows:

256 41-29-189. There is created in the State Treasury a special
257 fund to be known as the Drug Evidence Disposition Fund. The
258 purpose of the fund shall be to provide funding for costs
259 associated with the acquisition, storage, destruction or other
260 disposition of evidence related to offenses under the Uniform
261 Controlled Substances Act. Monies * * * in the fund shall be
262 * * * expended by the Mississippi Bureau of Narcotics, upon
263 appropriation by the Legislature. The fund * * * shall consist
264 of:

- 265 (a) Monies appropriated by the Legislature;
266 (b) The interest accruing to the fund;
267 (c) Monies received under the provisions of Section
268 99-19-73;
269 (d) Monies received from the federal government;
270 (e) Donations; and



271 (f) Monies received from such other sources as may be
272 provided by or allowable under law.

273 Money remaining in the fund at the end of a fiscal year shall
274 not lapse into the State General Fund.

275 **SECTION 11.** Section 41-59-61, Mississippi Code of 1972, is
276 amended as follows:

277 41-59-61. (1) The assessments that are collected under
278 subsections (1) and (2) of Section 99-19-73 shall be deposited in
279 a special fund that is created in the State Treasury to be
280 designated the "Emergency Medical Services Operating Fund."

281 * * * Monies in the Emergency Medical Services Operating Fund
282 * * * shall be expended by the State Board of Health, upon
283 appropriation by the Legislature, for the purpose of defraying
284 costs of administration of the Emergency Medical Services
285 Operating Fund (EMSOF) and for redistribution of those funds to
286 the counties, municipalities and organized medical service
287 districts (hereinafter referred to as "governmental units") for
288 the support of the Emergency Medical Services programs. The State
289 Board of Health, with the Emergency Medical Services Advisory
290 Council acting in an advisory capacity, shall administer the
291 disbursement to those governmental units of any funds appropriated
292 to the board from the Emergency Medical Services Operating Fund
293 and the utilization of those funds by the governmental units.

294 (2) Funds appropriated from the Emergency Medical Services
295 Operating Fund to the State Board of Health shall be made



296 available to all such governmental units to support the Emergency
297 Medical Services programs therein, and those funds shall be
298 distributed to each governmental unit based upon its general
299 population relative to the total population of the state.
300 Disbursement of those funds shall be made on an annual basis at
301 the end of the fiscal year upon the request of each governmental
302 unit. Funds distributed to those governmental units shall be used
303 in addition to existing annual Emergency Medical Services budgets
304 of the governmental units, and no such funds shall be used for the
305 payment of any attorney's fees. The Director of the Emergency
306 Medical Services program or his appointed designee is authorized
307 to require financial reports from the governmental units utilizing
308 these funds in order to provide satisfactory proof of the
309 maintenance of the funding effort by the governmental units.

310 **SECTION 12.** Section 41-59-75, Mississippi Code of 1972, is
311 amended as follows:

312 41-59-75. (1) The Mississippi Trauma Care Systems Fund is
313 established in the State Treasury. Fifteen Dollars (\$15.00)
314 collected from each assessment of Twenty Dollars (\$20.00) under
315 subsection (1) of Section 99-19-73 and Thirty Dollars (\$30.00)
316 collected from each assessment of Forty-five Dollars (\$45.00)
317 under subsection (2) of Section 99-19-73, as provided in Section
318 41-59-61, and any other funds made available for funding the
319 trauma care system, shall be deposited into the fund. Funds

320 * * * in the Mississippi Trauma Care Systems Fund * * * shall be



321 expended by the State Board of Health * * * , upon appropriation
322 by the Legislature, for department administration and
323 implementation of the comprehensive state trauma care plan for
324 distribution by the department to designated trauma care regions
325 for regional administration, for the department's trauma specific
326 public information and education plan, and to provide hospital and
327 physician indigent trauma care block grant funding to trauma
328 centers designated by the department. All designated trauma care
329 hospitals are eligible to contract with the department for these
330 funds. Monies in the Mississippi Trauma Care Systems Fund shall
331 not lapse into the State General Fund at the end of the fiscal
332 year, and all interest and other earnings on the monies in the
333 Mississippi Trauma Care Systems Fund shall be deposited to the
334 credit of the fund.

335 (2) The Mississippi Trauma Care Escrow Fund is created as a
336 special fund in the State Treasury. Whenever the amount in the
337 Mississippi Trauma Care Systems Fund exceeds Twenty-five Million
338 Dollars (\$25,000,000.00) in any fiscal year, the State Fiscal
339 Officer shall transfer the amount above Twenty-five Million
340 Dollars (\$25,000,000.00) to the Trauma Care Escrow Fund. Monies
341 in the Trauma Care Escrow Fund shall not lapse into the State
342 General Fund at the end of the fiscal year, and all interest and
343 other earnings on the monies in the Trauma Care Escrow Fund shall
344 be deposited to the credit of the Trauma Care Escrow Fund.



345 **SECTION 13.** Section 43-19-61, Mississippi Code of 1972, is
346 amended as follows:

347 43-19-61. There is created in the State Treasury a special
348 trust fund to be designated as the "Child Support Prosecution
349 Trust Fund." The fund shall be used by the Office of the Attorney
350 General, upon appropriation by the Legislature, for the
351 prosecution of delinquent child support cases and may also be used
352 to draw down the sixty-six percent (66%) federal reimbursement
353 IV-D funds for support of the Legal Division of the Child Support
354 Unit of the Mississippi Department of Human Services. Money
355 remaining in the fund at the end of a fiscal year shall not lapse
356 into the State General Fund, and any interest earned from the
357 investment of monies in the fund shall be deposited to the credit
358 of the fund.

359 **SECTION 14.** Section 43-47-39, Mississippi Code of 1972, is
360 amended as follows:

361 43-47-39. (1) There is created in the State Treasury a
362 special fund to be known as the Vulnerable Persons Training,
363 Investigation and Prosecution Trust Fund. The purpose of the fund
364 shall be to provide funding for the Vulnerable Persons Unit in the
365 Office of the Attorney General to assist in the training of law
366 enforcement officers, judges, district attorneys, state agencies
367 and investigators at the Department of Human Services with regard
368 to issues arising under the Vulnerable Persons Act, and to provide
369 funding for the Vulnerable Persons Unit in the Office of the



370 Attorney General to assist in the investigation and prosecution of
371 statewide offenders who abuse, neglect or exploit vulnerable
372 persons. * * * Monies in the fund shall be expended by the Office
373 of the Attorney General, upon appropriation by the Legislature.

374 (2) Funding shall be provided by assessments collected from
375 violations set out in Section 99-19-73. Money remaining in the
376 fund at the end of a fiscal year shall not lapse into the State
377 General Fund, and any interest earned from the investment of
378 monies in the fund shall be deposited to the credit of the fund.

379 **SECTION 15.** Section 45-1-29, Mississippi Code of 1972, is
380 amended as follows:

381 45-1-29. (1) The Mississippi Forensics Laboratory shall be
382 funded separately from the Department of Public Safety. Any
383 appropriated funds shall be maintained in an account separate from
384 any funds of the Department of Public Safety and shall never be
385 commingled with any funds of the department. However, nothing in
386 this section shall be construed to prohibit the utilization of the
387 combined resources of the Mississippi Forensics Laboratory, the
388 Division of Support Services of the Department of Public Safety or
389 the Mississippi Justice Information Center to efficiently carry
390 out the mission of the Department of Public Safety.

391 (2) Grants and donations to the Forensics Laboratory may be
392 accepted from individuals, the federal government, firms,
393 corporations, foundations and other interested organizations and
394 societies.



395 (3) The Commissioner of Public Safety shall establish and
396 the Division of Support Services of the Department of Public
397 Safety shall collect for services rendered proper fees
398 commensurate with the services rendered by the Forensics
399 Laboratory. Those fees shall be deposited into a special fund in
400 the State Treasury to the credit of the Forensics Laboratory and
401 expended, upon appropriation by the Legislature, in accordance
402 with applicable rules and regulations of the Department of Finance
403 and Administration. Those fees may be used for any authorized
404 expenditure of the Forensics Laboratory except expenditures for
405 salaries, wages and fringe benefits. Money remaining in the fund
406 at the end of a fiscal year shall not lapse into the State General
407 Fund, and any interest earned from the investment of monies in the
408 fund shall be deposited to the credit of the fund.

409 (4) Upon every individual convicted of a felony, every
410 individual who is nonadjudicated on a felony or misdemeanor case
411 under Section 99-15-26, and every individual who participates in a
412 pretrial intervention program established under Section 99-15-101
413 et seq., in a case where the Forensics Laboratory provided
414 forensic science or laboratory services in connection with the
415 case, the court shall impose and collect a separate laboratory
416 analysis fee of Three Hundred Dollars (\$300.00), in addition to
417 any other assessments and costs imposed by statutory authority,
418 unless the court finds that undue hardship would result by
419 imposing the fee. All fees collected under this section shall be



420 deposited into the special fund of the Forensics Laboratory
421 created in subsection (3) of this section, and shall be expended
422 upon appropriation by the Legislature.

423 **SECTION 16.** Section 45-1-45, Mississippi Code of 1972, is
424 amended as follows:

425 45-1-45. (1) The Department of Public Safety shall
426 implement an Internet-based data and information sharing network
427 that will allow state and local law enforcement, court personnel,
428 prosecutors and other agencies to exchange and view felony and
429 misdemeanor information on current and former criminal offenders
430 through a currently available, near real-time, updated hourly,
431 nationwide jail database which represents fifty percent (50%) or
432 more of all incarcerated persons in the country.

433 (2) There is created in the State Treasury a special fund to
434 be known as the Information Exchange Network Fund. The purpose of
435 the fund shall be to provide funding for the Web-based information
436 sharing network required by subsection (1) of this section.

437 Monies * * * in the fund shall be * * * expended by the Department
438 of Public Safety, upon appropriation by the Legislature. The fund
439 * * * shall consist of:

- 440 (a) Monies appropriated by the Legislature;
- 441 (b) The interest accruing to the fund;
- 442 (c) Monies received under the provisions of Section
443 99-19-73;
- 444 (d) Monies received from the federal government;



445 (e) Donations; and
446 (f) Monies received from such other sources as may be
447 provided by law.

448 Money remaining in the fund at the end of a fiscal year shall
449 not lapse into the State General Fund.

450 **SECTION 17.** Section 45-2-1, Mississippi Code of 1972, is
451 amended as follows:

452 45-2-1. (1) Whenever used in this section, the term:

453 (a) "Covered individual" means a law enforcement
454 officer or firefighter, including volunteer firefighters, as
455 defined in this section when employed by an employer as defined in
456 this section; it does not include employees of independent
457 contractors.

458 (b) "Employer" means a state board, commission,
459 department, division, bureau or agency, or a county, municipality
460 or other political subdivision of the state, which employs,
461 appoints or otherwise engages the services of covered individuals.

462 (c) "Firefighter" means an individual who is trained
463 for the prevention and control of loss of life and property from
464 fire or other emergencies, who is assigned to fire-fighting
465 activity, and is required to respond to alarms and perform
466 emergency actions at the location of a fire, hazardous materials
467 or other emergency incident.

468 (d) "Law enforcement officer" means any lawfully sworn
469 officer or employee of the state or any political subdivision of



470 the state whose duties require the officer or employee to
471 investigate, pursue, apprehend, arrest, transport or maintain
472 custody of persons who are charged with, suspected of committing,
473 or convicted of a crime, whether the officer is on regular duty on
474 full-time status, an auxiliary or reserve officer, or is serving
475 on a temporary or part-time status.

476 (2) (a) The Department of Public Safety shall make a
477 payment, as provided in this section, in the amount of One Hundred
478 Thousand Dollars (\$100,000.00) when a covered individual, while
479 engaged in the performance of the person's official duties, is
480 accidentally or intentionally killed or receives accidental or
481 intentional bodily injury that results in the loss of the covered
482 individual's life, provided that the killing is not the result of
483 suicide and that the bodily injury is not intentionally
484 self-inflicted.

485 (b) The payment provided for in this subsection shall
486 be made to the beneficiary who was designated in writing by the
487 covered individual, signed by the covered individual and delivered
488 to the employer during the covered individual's lifetime. If no
489 such designation is made, then the payment shall be made to the
490 surviving child or children and spouse in equal portions, and if
491 there is no surviving child or spouse, then to the parent or
492 parents. If a beneficiary is not designated and there is no
493 surviving child, spouse or parent, then the payment shall be made
494 to the covered individual's estate.



495 (c) The payment made in this subsection is in addition
496 to any workers' compensation or pension benefits and is exempt
497 from the claims and demands of creditors of the covered
498 individual.

499 (3) (a) There is established in the State Treasury a
500 special fund to be known as the Law Enforcement Officers and Fire
501 Fighters Death Benefits Trust Fund. The trust fund shall be
502 funded by an initial appropriation of Two Hundred Thousand Dollars
503 (\$200,000.00), and shall be comprised of any additional funds made
504 available by the Legislature or by donation, contribution, gift or
505 any other source.

506 (b) The State Treasurer shall invest the monies of the
507 trust fund in any of the investments authorized for the funds of
508 the Public Employees' Retirement System under Section 25-11-121,
509 and those investments shall be subject to the limitations
510 prescribed by Section 25-11-121.

511 (c) Unexpended amounts remaining in the trust fund at
512 the end of the state fiscal year shall not lapse into the State
513 General Fund, and any income earned on amounts in the trust fund
514 shall be deposited to the credit of the trust fund.

515 (4) Monies in the trust fund shall be expended by the
516 Department of Public Safety, upon appropriation by the
517 Legislature. The Department of Public Safety shall be responsible
518 for the management of the trust fund and the disbursement of death
519 benefits authorized under this section. The Department of Public



520 Safety shall adopt rules and regulations necessary to implement
521 and standardize the payment of death benefits under this section,
522 to administer the trust fund created by this section and to carry
523 out the purposes of this section.

524 **SECTION 18.** Section 45-2-21, Mississippi Code of 1972, is
525 amended as follows:

526 45-2-21. (1) Whenever used in this section, the term:

527 (a) "Covered individual" means a law enforcement
528 officer or firefighter, including volunteer firefighters, as
529 defined in this section while actively engaged in protecting the
530 lives and property of the citizens of this state when employed by
531 an employer as defined in this section; it does not include
532 employees of independent contractors.

533 (b) "Employer" means a state board, commission,
534 department, division, bureau, or agency, or a county, municipality
535 or other political subdivision of the state, which employs,
536 appoints or otherwise engages the services of covered individuals.

537 (c) "Firefighter" means an individual who is trained
538 for the prevention and control of loss of life and property from
539 fire or other emergencies, who is assigned to fire-fighting
540 activity, and is required to respond to alarms and perform
541 emergency actions at the location of a fire, hazardous materials
542 or other emergency incident.

543 (d) "Law enforcement officer" means any lawfully sworn
544 officer or employee of the state or any political subdivision of



545 the state whose duties require the officer or employee to
546 investigate, pursue, apprehend, arrest, transport or maintain
547 custody of persons who are charged with, suspected of committing,
548 or convicted of a crime.

549 (2) (a) The Attorney General's office shall make a monthly
550 disability benefit payment equal to thirty-four percent (34%) of
551 the covered individual's regular base salary at the time of injury
552 when a covered individual, while engaged in the performance of the
553 individual's official duties, is accidentally or intentionally
554 injured in the line of duty as a direct result of a single
555 incident. The benefit shall be payable for the period of time the
556 covered individual is physically unable to perform the duties of
557 the covered individual's employment, not to exceed twelve (12)
558 total payments for any one (1) injury. Chronic or repetitive
559 injury is not covered. Benefits made available under this section
560 shall be in addition to any workers' compensation benefits and
561 shall be limited to the difference between the amount of workers'
562 compensation benefits and the amount of the covered individual's
563 regular base salary. Compensation under this section shall not be
564 awarded where a penal violation committed by the covered
565 individual contributed to the disability or the injury was
566 intentionally self-inflicted.

567 (b) Payments made under this subsection are exempt from
568 the claims and demands of creditors of the covered individual.



569 (3) (a) There is established in the State Treasury a
570 special fund to be known as the Law Enforcement Officers and Fire
571 Fighters Disability Benefits Trust Fund. The trust fund shall be
572 funded by any funds made available by the Legislature or by
573 donation, contribution, gift or any other source.

574 (b) The State Treasurer shall invest the monies of the
575 trust fund in any of the investments authorized for the funds of
576 the Public Employees' Retirement System under Section 25-11-121,
577 and those investments shall be subject to the limitations
578 prescribed by Section 25-11-121.

579 (c) Unexpended amounts remaining in the trust fund at
580 the end of the state fiscal year shall not lapse into the State
581 General Fund, and any income earned on amounts in the trust fund
582 shall be deposited to the credit of the trust fund.

583 (4) Monies in the trust fund shall be expended by the
584 Attorney General's office, upon appropriation by the Legislature.
585 The Attorney General's office shall be responsible for the
586 management of the trust fund and the disbursement of disability
587 benefits authorized under this section. The Attorney General
588 shall adopt rules and regulations necessary to implement and
589 standardize the payment of disability benefits under this section,
590 to administer the trust fund created by this section and to carry
591 out the purposes of this section. The Attorney General's office
592 may expend up to ten percent (10%) of the monies in the trust fund



593 for the administration and management of the trust fund and
594 carrying out the purposes of this section.

595 **SECTION 19.** Section 45-6-21, Mississippi Code of 1972, is
596 amended as follows:

597 45-6-21. There is created in the State Treasury a special
598 fund to be known as the Motorcycle Officers Training Program Fund,
599 which shall be administered by the Office of the Attorney General.
600 The purpose of the fund shall be to provide funding for the
601 training of state and local law enforcement officers, including,
602 but not limited to, motorcycle officers training. All courses
603 provided under the Motorcycle Officers Training Program shall be
604 administered and approved by the Mississippi Law Enforcement
605 Officers Association. Monies in the fund shall be expended by the
606 Attorney General, upon appropriation by the Legislature. The fund

607 * * * shall consist of:

- 608 (a) Monies appropriated by the Legislature for the
609 purposes of funding the Motorcycle Officers Training Program;
- 610 (b) The interest accruing to the fund;
- 611 (c) Monies received under the provisions of Section
612 99-19-73;
- 613 (d) Monies received from the federal government;
- 614 (e) Donations; and
- 615 (f) Monies received from such other sources as may be
616 provided by law.



617 Money remaining in the fund at the end of a fiscal year shall
618 not lapse into the State General Fund.

619 **SECTION 20.** Section 63-11-33, Mississippi Code of 1972, is
620 amended as follows:

621 63-11-33. There is created in the State Treasury a special
622 fund to be known as the Interlock Device Fund. The purpose of the
623 fund shall be to provide funding for the Driver's License Bureau
624 of the Department of Public Safety and also to provide funding
625 assistance for ignition interlock devices for persons determined
626 to be unable to afford the installation and maintenance of an
627 ignition interlock device. Monies * * * in the fund shall be
628 * * * expended by the Department of Public Safety, upon
629 appropriation by the Legislature. The fund * * * shall consist
630 of:

631 (a) Monies appropriated by the Legislature for the
632 purposes of funding the Driver's License Bureau;

633 (b) The interest accruing to the fund;

634 (c) Monies paid by a person for deposit into the fund
635 under Section 63-11-31; and

636 (d) Monies received from such other sources as may be
637 provided by law.

638 Money remaining in the fund at the end of a fiscal year shall
639 not lapse into the State General Fund.

640 **SECTION 21.** Section 77-9-250, Mississippi Code of 1972, is
641 amended as follows:



642 77-9-250. (1) There is created within the Department of
643 Transportation the Operation Lifesaver Program. The purpose of
644 the program is to increase safety of and prevent loss of life and
645 property at railroad crossings by increasing compliance, on the
646 part of the railroads and the public, with the provisions of
647 Section 77-9-249.

648 (2) There is created in the State Treasury a special fund to
649 be known as the Operation Lifesaver Fund. The purpose of the fund
650 shall be to provide funding for the Operation Lifesaver Program.
651 Monies * * * in the fund shall be * * * expended by the
652 Mississippi Department of Transportation, upon appropriation by
653 the Legislature. The fund * * * shall consist of:

- 654 (a) Monies appropriated by the Legislature for the
655 purposes of funding Operation Lifesaver;
- 656 (b) The interest accruing to the fund;
- 657 (c) Monies received under the provisions of Section
658 99-19-73;
- 659 (d) Monies received from the federal government;
- 660 (e) Donations; and
- 661 (f) Monies received from such other sources as may be
662 provided by or allowable under law.

663 Money remaining in the fund at the end of a fiscal year shall
664 not lapse into the State General Fund.

665 **SECTION 22.** Section 93-21-31, Mississippi Code of 1972, is
666 amended as follows:



667 93-21-31. (1) There is * * * created in the State Treasury
668 a special fund designated as the Domestic Violence Training Fund.
669 The fund shall be administered by the Attorney General, and monies
670 in the funds shall be expended by the Attorney General, upon
671 appropriation by the Legislature. Money remaining in the fund at
672 the end of a fiscal year shall not lapse into the State General
673 Fund and any interest earned from the investment of monies in the
674 fund shall be deposited to the credit of the fund. Monies
675 appropriated to the fund shall be used by the Attorney General for
676 the general administration and expenses of the Domestic Violence
677 Division which provides training to law enforcement, prosecutors,
678 judges, court clerks and other professionals in the field of
679 domestic violence awareness, prevention and enforcement.

680 (2) The clerks of the various courts shall remit the
681 proceeds generated by Chapter 434, Laws of 2009, to the Department
682 of Finance and Administration as is done generally for other fees
683 collected by the clerks.

684 **SECTION 23.** Section 93-21-117, Mississippi Code of 1972, is
685 amended as follows:

686 93-21-117. (1) There is * * * created in the State Treasury
687 a special fund to be known as the "Victims of Domestic Violence
688 Fund." The fund * * * shall consist of:

- 689 (a) Monies appropriated by the Legislature;
- 690 (b) The interest accruing to the fund;



691 (c) Monies received under the provisions of Section
692 99-19-73;
693 (d) Monies received from the federal government;
694 (e) Donations to the Victims of Domestic Violence Fund;
695 (f) Assessments collected pursuant to Section 83-39-31;
696 and
697 (g) Monies received from such other sources as may be
698 provided by law.

699 Money remaining in the fund at the end of a fiscal year shall
700 not lapse into the State General Fund.

701 (2) The circuit clerks of the state shall deposit in the
702 fund on a monthly basis the additional fee charged and collected
703 for marriage licenses under the provisions of Section
704 25-7-13 * * *.

705 (3) All other monies received by the state from every source
706 for the support of the program for victims of domestic violence,
707 established by Sections 93-21-101 through 93-21-113, shall be
708 deposited in the "Victims of Domestic Violence Fund." The monies
709 in the fund shall be used by the State Department of Health, upon
710 appropriation by the Legislature, solely for funding and
711 administering domestic violence shelters under the provisions of
712 Sections 93-21-101 through 93-21-113, in such amounts as the
713 Legislature may appropriate to the department for the program for
714 victims of domestic violence established by Sections 93-21-101
715 through 93-21-113. Not more than ten percent (10%) of the monies



716 in the "Victims of Domestic Violence Fund" shall be appropriated
717 to the State Department of Health for the administration of
718 domestic violence shelters.

719 (4) From and after July 1, 2014, the Office Against
720 Interpersonal Violence is granted all powers and duties with
721 respect to the management of funds in the Victims of Domestic
722 Violence Fund. Any reference to the Department of Health in this
723 article pertaining to the management of the Victims of Domestic
724 Violence Fund means the Office Against Interpersonal Violence
725 within the Department of Health. In addition to the ten percent
726 (10%) set aside in subsection (3), from and after July 1, 2014,
727 the OAIIV is authorized to utilize no more than an additional five
728 percent (5%) of the monies in the Victims of Domestic Violence
729 Fund at its discretion for transition expenses and expense related
730 to statewide projects of the OAIIV.

731 (5) Nothing in this chapter shall be construed to limit the
732 ability of a domestic violence shelter or other domestic violence
733 program to solicit private donations or community support. Any
734 funds raised by a shelter or program from private donations or
735 community support are not subject to the provisions of this
736 chapter.

737 **SECTION 24.** Section 93-21-305, Mississippi Code of 1972, is
738 amended as follows:



739 93-21-305. (1) There is * * * established in the State
740 Treasury a special fund to be known as the "Mississippi Children's
741 Trust Fund."

742 (2) The fund shall consist of any monies appropriated to the
743 fund by the Legislature, any donations, gifts and grants from any
744 source, receipts from the birth certificate fees as provided by
745 subsection (2) of Section 41-57-11, and any other monies which may
746 be received from any other source or which may be hereafter
747 provided by law.

748 (3) Monies in the fund shall be used only for the purposes
749 set forth in Sections 93-21-301 through 93-21-311. Interest
750 earned on the investment of monies in the fund shall be returned
751 and deposited to the credit of the fund. Monies remaining in the
752 fund at the end of a fiscal year shall not lapse into the State
753 General Fund.

754 (4) Disbursements of money from the fund shall be made, upon
755 appropriation by the Legislature, on the authorization of the
756 Division of Family and Children's Services of the State Department
757 of * * * Human Services.

758 (5) The primary purpose of the fund is to encourage and
759 provide financial assistance in the provision of direct services
760 to prevent child abuse and neglect.

761 **SECTION 25.** Section 99-18-17, Mississippi Code of 1972, is
762 amended as follows:



763 99-18-17. (1) If at any time during the representation of
764 two (2) or more defendants, the State Defender determines that the
765 interests of those persons are so adverse or hostile they cannot
766 all be represented by the staff of the Capital Counsel Division
767 without conflict of interest, or if the State Defender determines
768 that the volume or number of representations shall so require, the
769 State Defender, in his sole discretion, notwithstanding any
770 statute or regulation to the contrary, shall be authorized to
771 employ qualified private counsel. Fees and expenses approved by
772 order of the court of original jurisdiction, including
773 investigative and expert witness expenses of such private counsel,
774 shall be paid by funds appropriated to the Capital Defense Counsel
775 Fund for this purpose.

776 (2) There is created in the State Treasury a special fund to
777 be known as the Capital Defense Counsel Fund. The purpose of the
778 fund shall be to provide funding for the Capital Defense Counsel
779 Division. Monies * * * in the fund shall be * * * expended by the
780 State Defender, upon appropriation by the Legislature. The fund
781 * * * shall consist of:

- 782 (a) Monies appropriated by the Legislature for the
783 purposes of funding the Capital Defense Counsel Division;
- 784 (b) The interest accruing to the fund;
- 785 (c) Monies received under the provisions of Section
786 99-19-73;
- 787 (d) Monies received from the federal government;



788 (e) Donations; and
789 (f) Monies received from such other sources as may be
790 provided by law.

791 Money remaining in the fund at the end of a fiscal year shall
792 not lapse into the State General Fund.

793 **SECTION 26.** Section 99-19-32, Mississippi Code of 1972, is
794 amended as follows:

795 99-19-32. (1) Offenses punishable by imprisonment in the
796 State Penitentiary for more than one (1) year and for which no
797 fine is provided elsewhere by statute may be punishable by a fine
798 not in excess of Ten Thousand Dollars (\$10,000.00). Such fine, if
799 imposed, may be in addition to imprisonment or any other
800 punishment or penalty authorized by law.

801 (2) Such assessments as are collected under subsection (5)
802 of Section 99-19-73 shall be deposited in a special fund * * *
803 that is created in the State Treasury to be designated the
804 "Criminal Justice Fund." * * * Monies in the Criminal Justice
805 Fund shall be expended, upon appropriation of the Legislature, for
806 the purpose of defraying such costs as the state incurs in the
807 administration of the criminal justice system of this state.

808 **SECTION 27.** Section 99-39-117, Mississippi Code of 1972, is
809 amended as follows:

810 99-39-117. (1) If at any time during the representation of
811 two (2) or more defendants, the director determines that the
812 interest of those persons are so adverse or hostile that they



813 cannot all be represented by the director or his staff without
814 conflict of interest, or if the director shall determine that the
815 volume or number of representations shall so require, the
816 director, in his sole discretion, notwithstanding any statute or
817 regulation to the contrary, shall be authorized to employ
818 qualified private counsel. Fees and expenses, approved by order
819 of the appropriate court, including investigative and expert
820 witness expenses of such private counsel shall be paid from funds
821 appropriated to the Capital Post-Conviction Counsel Fund for this
822 purpose.

823 (2) There is created in the State Treasury a special fund to
824 be known as the Capital Post-Conviction Counsel Fund. The purpose
825 of the fund shall be to provide funding for the Office of Capital
826 Post-Conviction Counsel. Monies * * * in the fund shall be * * *
827 expended by the Mississippi Office of Capital Post-Conviction
828 Counsel, upon appropriation by the Legislature. The fund * * *
829 shall consist of:

- 830 (a) Monies appropriated by the Legislature for the
831 purposes of funding the Office of Capital Post-Conviction Counsel;
- 832 (b) The interest accruing to the fund;
- 833 (c) Monies received under the provisions of Section
834 99-19-73;
- 835 (d) Monies received from the federal government;
- 836 (e) Donations; and



837 (f) Monies received from such other sources as may be
838 provided by law.

839 Money remaining in the fund at the end of a fiscal year shall
840 not lapse into the State General Fund.

841 **SECTION 28.** Section 99-40-1, Mississippi Code of 1972, is
842 amended as follows:

843 99-40-1. (1) There is created the Indigent Appeals Division
844 within the Office of the State Public Defender. This office shall
845 consist of the Indigent Appeals Director who must be an attorney
846 in good standing with The Mississippi Bar, and staffed by any
847 necessary personnel as determined and hired by the State Defender.
848 The Indigent Appeals Director shall be appointed by the State
849 Defender. The remaining attorneys and other staff shall be
850 appointed by the State Defender and shall serve at the will and
851 pleasure of the State Defender. The Indigent Appeals Director and
852 all other attorneys in the office shall either be active members
853 of The Mississippi Bar, or, if a member in good standing of the
854 bar of another jurisdiction, must apply to and secure admission to
855 The Mississippi Bar within twelve (12) months of the commencement
856 of the person's employment by the office. The attorneys in the
857 office shall practice law exclusively for the office and shall not
858 engage in any other practice. The office shall not engage in any
859 litigation other than that related to the office. The salary for
860 the Indigent Appeals Director shall be equivalent to the salary of
861 district attorneys and the salary of the other attorneys in the



862 office shall be equivalent to the salary of an assistant district
863 attorney.

864 (2) The office shall provide representation on appeal for
865 indigent persons convicted of felonies but not under sentences of
866 death. Representation shall be provided by staff attorneys, or,
867 in the case of conflict or excessive workload as determined by the
868 State Defender, by attorneys selected, employed and compensated by
869 the office on a contract basis. All fees charged by contract
870 counsel and expenses incurred by attorneys in the office and
871 contract counsel must be approved by the court. At the sole
872 discretion of the State Defender, the office may also represent
873 indigent juveniles adjudicated delinquent on appeals from a county
874 court or chancery court to the Mississippi Supreme Court or the
875 Mississippi Court of Appeals. The office shall provide advice,
876 education and support to attorneys representing persons under
877 felony charges in the trial courts.

878 (3) There is created in the State Treasury a special fund to
879 be known as the Indigent Appeals Fund. The purpose of the fund
880 shall be to provide funding for the Indigent Appeals Division.
881 Monies * * * in the fund shall be * * * expended by the State
882 Defender, upon appropriation by the Legislature. The fund * * *
883 shall consist of:

884 (a) Monies appropriated by the Legislature for the
885 purposes of funding the Indigent Appeals Division;

886 (b) The interest accruing to the fund;



887 (c) Monies received under the provisions of Section
888 99-19-73;

889 (d) Monies received from the federal government;

890 (e) Donations; and

891 (f) Monies received from such other sources as may be
892 provided by law.

893 Money remaining in the fund at the end of a fiscal year shall
894 not lapse into the State General Fund.

895 (4) (a) There is created in the Office of the State Public
896 Defender the Public Defender Training Division. The division
897 shall be staffed by any necessary personnel as determined and
898 hired by the State Defender. The mission of the division shall be
899 to work closely with the Mississippi Public Defenders Association
900 to provide training and services to public defenders practicing in
901 all state, county and municipal courts. These services shall
902 include, but not be limited to, continuing legal education, case
903 updates and legal research. The division shall provide (i)
904 education and training for public defenders practicing in all
905 state, county, municipal and youth courts; (ii) technical
906 assistance for public defenders practicing in all state, county,
907 municipal and youth courts; and (iii) current and accurate
908 information for the Legislature pertaining to the needs of public
909 defenders practicing in all state, county, municipal and youth
910 courts.



911 (b) There is created in the State Treasury a special
912 fund to be known as the Public Defenders Education Fund. The
913 purpose of the fund shall be to provide funding for the training
914 of public defenders. Monies * * * in the fund shall be * * *
915 expended by the State Defender, upon appropriation by the
916 Legislature. The fund * * * shall consist of:

917 (i) Monies appropriated by the Legislature for the
918 purposes of public defender training;

919 (ii) The interest accruing to the fund;

920 (iii) Monies received under the provisions of
921 Section 99-19-73;

922 (iv) Monies received from the federal government;

923 (v) Donations; and

924 (vi) Monies received from such other sources as
925 may be provided by law.

926 Money remaining in the fund at the end of a fiscal year shall
927 not lapse into the State General Fund.

928 **SECTION 29.** Section 99-41-29, Mississippi Code of 1972, is
929 amended as follows:

930 99-41-29. (1) * * * There is * * * created in the State
931 Treasury a special interest-bearing fund to be known as the Crime
932 Victims' Compensation Fund. The monies contained in the fund
933 shall be held in trust for the sole purpose of payment of awards
934 of compensation to victims and claimants pursuant to this chapter,
935 the payment of all necessary and proper expenses incurred by the



936 division in the administration of this chapter, payment of sexual
937 assault examinations pursuant to Section 99-37-25, payment of
938 Address Confidentiality Program administrative expenses pursuant
939 to Section 99-47-1(7) and payment of other expenses in furtherance
940 of providing assistance to victims of crime through information
941 referrals, advocacy outreach programs and victim-related services.
942 Expenditures from the fund shall be * * * made by the Attorney
943 General or his duly designated representative, upon appropriation
944 by the Legislature, in the manner provided by law.

945 The fund * * * shall consist of: (a) monies appropriated by
946 the Legislature for the purposes of compensating the victims of
947 crime and other claimants under this chapter; (b) the interest
948 accruing to the fund; (c) monies recovered by the director under
949 the provisions of Section 99-41-21; (d) monies received from the
950 federal government; and (e) monies received from such other
951 sources as may be provided by law. Money remaining in the fund at
952 the end of a fiscal year shall not lapse into the State General
953 Fund.

954 (2) No compensation payments shall be made which exceed the
955 amount of money in the fund. The state shall not be liable for a
956 written order to pay compensation, except to the extent that
957 monies are available in the fund on the date the award is ordered.
958 The Attorney General shall establish such rules and regulations as
959 shall be necessary to adjust awards and payments so that the total
960 amount awarded does not exceed the amount of money on deposit in



961 the fund. Such rules and regulations may include, but shall not
962 be limited to, the authority to provide for suspension of payments
963 and proportioned reduction of benefits to all claimants; * * *
964 however, no such reductions as provided for shall entitle
965 claimants to future retroactive reimbursements in future years.

966 **SECTION 30.** Section 99-45-9, Mississippi Code of 1972, is
967 amended as follows:

968 99-45-9. (1) The Department of Corrections shall administer
969 the automated victim notification system. The cost of
970 administering the system must be paid with appropriations made to
971 the department and from federal grants and contracts.

972 (2) There is created in the State Treasury a special fund to
973 be known as the Statewide Victims' Information and Notification
974 System Fund. The purpose of the fund shall be to provide funding
975 for the Statewide Victims' Information and Notification System.
976 Monies * * * in the fund shall be * * * expended by the
977 Mississippi Department of Corrections, upon appropriation by the
978 Legislature. The fund * * * shall consist of:

979 (a) Monies appropriated by the Legislature for the
980 purposes of funding the Statewide Victims' Information and
981 Notification System;

982 (b) The interest accruing to the fund;

983 (c) Monies received under the provisions of Section
984 99-19-73;

985 (d) Monies received from the federal government;



986 (e) Donations; and
987 (f) Monies received from such other sources as may be
988 provided by law.

989 Money remaining in the fund at the end of a fiscal year shall
990 not lapse into the State General Fund.

991 **SECTION 31.** Section 99-19-73, Mississippi Code of 1972, is
992 brought forward as follows:

993 99-19-73. (1) **Traffic violations.** In addition to any
994 monetary penalties and any other penalties imposed by law, there
995 shall be imposed and collected the following state assessment from
996 each person upon whom a court imposes a fine or other penalty for
997 any violation in Title 63, Mississippi Code of 1972, except
998 offenses relating to the Mississippi Implied Consent Law (Section
999 63-11-1 et seq.) and offenses relating to vehicular parking or
1000 registration:

1001	FUND	AMOUNT
1002	State Court Education Fund.....	\$.85
1003	State Prosecutor Education Fund.....	1.25
1004	Vulnerable Persons Training, 1005 Investigation and Prosecution Trust Fund.....	1.50
1006	Child Support Prosecution Trust Fund.....	.30
1007	Driver Training Penalty Assessment Fund.....	3.82
1008	Law Enforcement Officers Training Fund.....	5.00
1009	Spinal Cord and Head Injury Trust Fund 1010 (for all moving violations).....	5.45



1011	Emergency Medical Services Operating Fund.....	20.00
1012	Mississippi Leadership Council on Aging Fund.....	1.00
1013	Law Enforcement Officers and Fire Fighters	
1014	Death Benefits Trust Fund.....	.50
1015	Law Enforcement Officers and Fire Fighters	
1016	Disability Benefits Trust Fund.....	.15
1017	State Prosecutor Compensation Fund for the purpose	
1018	of providing additional compensation for	
1019	district attorneys and their legal assistants.....	10.00
1020	Crisis Intervention Mental Health Fund.....	10.00
1021	Drug Court Fund, through June 30, 2016.....	10.53
1022	Drug Court Fund, from and after July 1, 2016.....	10.00
1023	Judicial Performance Fund.....	.50
1024	Capital Defense Counsel Fund,	
1025	through June 30, 2016.....	3.09
1026	from and after July 1, 2016.....	2.89
1027	Indigent Appeals Fund.....	2.29
1028	Capital Post-Conviction Counsel Fund.....	2.83
1029	Victims of Domestic Violence Fund.....	.49
1030	Public Defenders Education Fund.....	1.00
1031	Domestic Violence Training Fund.....	1.00
1032	Attorney General's Cyber Crime Unit.....	2.50
1033	Children's Safe Center Fund.....	2.31
1034	DuBard School for Language Disorders Fund.....	.88
1035	Children's Advocacy Centers Fund.....	1.91



1036 Judicial System Operation Fund,
1037 through June 30, 2016..... 1.35
1038 TOTAL STATE ASSESSMENT THROUGH JUNE 30, 2016.....\$ 90.50
1039 TOTAL STATE ASSESSMENT
1040 FROM AND AFTER JULY 1, 2016.....\$ 88.42
1041 (2) **Implied Consent Law violations.** In addition to any
1042 monetary penalties and any other penalties imposed by law, there
1043 shall be imposed and collected the following state assessment from
1044 each person upon whom a court imposes a fine or any other penalty
1045 for any violation of the Mississippi Implied Consent Law (Section
1046 63-11-1 et seq.):

1047 FUND	AMOUNT
1048 Crime Victims' Compensation Fund.....	\$ 10.00
1049 State Court Education Fund.....	1.50
1050 State Prosecutor Education Fund.....	2.00
1051 Vulnerable Persons Training, 1052 Investigation and Prosecution Trust Fund.....	1.50
1053 Child Support Prosecution Trust Fund.....	.50
1054 Driver Training Penalty Assessment Fund.....	22.00
1055 Law Enforcement Officers Training Fund.....	11.00
1056 Emergency Medical Services Operating Fund.....	45.00
1057 Mississippi Alcohol Safety Education Program Fund.....	5.00
1058 Federal-State Alcohol Program Fund.....	10.00
1059 Mississippi Forensics Laboratory 1060 Implied Consent Law Fund.....	25.00



1061	Spinal Cord and Head Injury Trust Fund.....	25.00
1062	Capital Defense Counsel Fund.....	2.89
1063	Indigent Appeals Fund.....	2.29
1064	Capital Post-Conviction Counsel Fund.....	2.33
1065	Victims of Domestic Violence Fund.....	.49
1066	State General Fund.....	35.00
1067	Law Enforcement Officers and Fire Fighters	
1068	Death Benefits Trust Fund.....	.50
1069	Law Enforcement Officers and Fire Fighters	
1070	Disability Benefits Trust Fund.....	1.00
1071	State Prosecutor Compensation Fund for the purpose	
1072	of providing additional compensation for	
1073	district attorneys and their legal assistants.....	10.00
1074	Crisis Intervention Mental Health Fund.....	10.00
1075	Drug Court Fund.....	10.00
1076	Statewide Victims' Information and	
1077	Notification System Fund.....	6.00
1078	Public Defenders Education Fund.....	1.00
1079	Domestic Violence Training Fund.....	1.00
1080	Attorney General's Cyber Crime Unit.....	2.50
1081	TOTAL STATE ASSESSMENT.....	\$243.50

1082 (3) **Game and Fish Law violations.** In addition to any
1083 monetary penalties and any other penalties imposed by law, there
1084 shall be imposed and collected the following state assessment from
1085 each person upon whom a court imposes a fine or other penalty for



1086 any violation of the game and fish statutes or regulations of this
1087 state:

1088	FUND	AMOUNT
1089	State Court Education Fund.....	\$ 1.50
1090	State Prosecutor Education Fund.....	2.00
1091	Vulnerable Persons Training,	
1092	Investigation and Prosecution Trust Fund.....	1.50
1093	Law Enforcement Officers Training Fund.....	5.00
1094	Hunter Education and Training Program Fund.....	5.00
1095	State General Fund.....	30.00
1096	Law Enforcement Officers and Fire Fighters	
1097	Death Benefits Trust Fund.....	.50
1098	Law Enforcement Officers and Fire Fighters	
1099	Disability Benefits Trust Fund.....	1.00
1100	State Prosecutor Compensation Fund for the purpose	
1101	of providing additional compensation for district	
1102	attorneys and their legal assistants.....	10.00
1103	Crisis Intervention Mental Health Fund.....	10.00
1104	Drug Court Fund.....	10.00
1105	Capital Defense Counsel Fund.....	2.89
1106	Indigent Appeals Fund.....	2.29
1107	Capital Post-Conviction Counsel Fund.....	2.33
1108	Victims of Domestic Violence Fund.....	.49
1109	Public Defenders Education Fund.....	1.00
1110	Domestic Violence Training Fund.....	1.00



1111 Attorney General's Cyber Crime Unit..... 2.50

1112 TOTAL STATE ASSESSMENT.....\$ 89.00

1113 (4) [Deleted]

1114 (5) **Speeding, reckless and careless driving violations.** In
1115 addition to any assessment imposed under subsection (1) or (2) of
1116 this section, there shall be imposed and collected the following
1117 state assessment from each person upon whom a court imposes a fine
1118 or other penalty for driving a vehicle on a road or highway:

1119 (a) At a speed that exceeds the posted speed limit by
1120 at least ten (10) miles per hour but not more than twenty (20)
1121 miles per hour.....\$ 10.00

1122 (b) At a speed that exceeds the posted speed limit by
1123 at least twenty (20) miles per hour but not more than thirty (30)
1124 miles per hour.....\$ 20.00

1125 (c) At a speed that exceeds the posted speed limit by
1126 thirty (30) miles per hour or more.....\$ 30.00

1127 (d) In violation of Section 63-3-1201, which is the
1128 offense of reckless driving.....\$ 10.00

1129 (e) In violation of Section 63-3-1213, which is the
1130 offense of careless driving.....\$ 10.00

1131 All assessments collected under this subsection shall be
1132 deposited into the Mississippi Trauma Care Systems Fund
1133 established under Section 41-59-75.

1134 (6) **Other misdemeanors.** In addition to any monetary
1135 penalties and any other penalties imposed by law, there shall be



1136 imposed and collected the following state assessment from each
 1137 person upon whom a court imposes a fine or other penalty for any
 1138 misdemeanor violation not specified in subsection (1), (2) or (3)
 1139 of this section, except offenses relating to vehicular parking or
 1140 registration:

1141 FUND	AMOUNT
1142 Crime Victims' Compensation Fund.....	\$ 6.92
1143 State Court Education Fund.....	1.50
1144 State Prosecutor Education Fund.....	2.00
1145 Vulnerable Persons Training, Investigation 1146 and Prosecution Trust Fund.....	1.50
1147 Child Support Prosecution Trust Fund.....	.50
1148 Law Enforcement Officers Training Fund.....	5.00
1149 Capital Defense Counsel Fund.....	2.89
1150 Indigent Appeals Fund.....	2.29
1151 Capital Post-Conviction Counsel Fund.....	2.33
1152 Victims of Domestic Violence Fund.....	.49
1153 State General Fund.....	30.00
1154 State Crime Stoppers Fund.....	1.50
1155 Law Enforcement Officers and Fire Fighters 1156 Death Benefits Trust Fund.....	.50
1157 Law Enforcement Officers and Fire Fighters 1158 Disability Benefits Trust Fund.....	1.00
1159 State Prosecutor Compensation Fund for the purpose 1160 of providing additional compensation for	



1161	district attorneys and their legal assistants.....	10.00
1162	Crisis Intervention Mental Health Fund.....	10.00
1163	Drug Court Fund.....	8.00
1164	Judicial Performance Fund.....	2.00
1165	Statewide Victims' Information and	
1166	Notification System Fund.....	6.00
1167	Public Defenders Education Fund.....	1.00
1168	Domestic Violence Training Fund.....	1.00
1169	Attorney General's Cyber Crime Unit.....	2.50
1170	Information Exchange Network Fund.....	4.00
1171	Motorcycle Officer Training Fund.....	1.06
1172	Civil Legal Assistance Fund.....	2.77
1173	Justice Court Collections Fund.....	7.50
1174	Municipal Court Collections Fund.....	7.50
1175	TOTAL STATE ASSESSMENT.....	\$121.75

1176 (7) **Other felonies.** In addition to any monetary penalties
1177 and any other penalties imposed by law, there shall be imposed and
1178 collected the following state assessment from each person upon
1179 whom a court imposes a fine or other penalty for any felony
1180 violation not specified in subsection (1), (2) or (3) of this
1181 section:

1182	FUND	AMOUNT
1183	Crime Victims' Compensation Fund.....	\$ 10.00
1184	State Court Education Fund.....	1.50
1185	State Prosecutor Education Fund.....	2.00



1186	Vulnerable Persons Training, Investigation	
1187	and Prosecution Trust Fund.....	1.50
1188	Child Support Prosecution Trust Fund.....	.50
1189	Law Enforcement Officers Training Fund.....	5.00
1190	Capital Defense Counsel Fund.....	2.89
1191	Indigent Appeals Fund.....	2.29
1192	Capital Post-Conviction Counsel Fund.....	2.33
1193	Victims of Domestic Violence Fund.....	.49
1194	State General Fund.....	60.00
1195	Criminal Justice Fund.....	50.00
1196	Law Enforcement Officers and Fire Fighters	
1197	Death Benefits Trust Fund.....	.50
1198	Law Enforcement Officers and Fire Fighters	
1199	Disability Benefits Trust Fund.....	1.00
1200	State Prosecutor Compensation Fund for the purpose	
1201	of providing additional compensation for	
1202	district attorneys and their legal assistants.....	10.00
1203	Crisis Intervention Mental Health Fund.....	10.00
1204	Drug Court Fund.....	10.00
1205	Statewide Victims' Information and	
1206	Notification System Fund.....	6.00
1207	Public Defenders Education Fund.....	1.00
1208	Domestic Violence Training Fund.....	1.00
1209	Attorney General's Cyber Crime Unit.....	2.50
1210	Forensics Laboratory DNA Identification System Fund.....	100.00



1211 TOTAL STATE ASSESSMENT.....\$280.50

1212 (8) **Additional assessments on certain violations:**

1213 (a) **Railroad crossing violations.** In addition to any
1214 monetary penalties and any other penalties imposed by law, there
1215 shall be imposed and collected the following state assessment in
1216 addition to all other state assessments due under this section
1217 from each person upon whom a court imposes a fine or other penalty
1218 for any violation involving railroad crossings under Section
1219 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

1220 Operation Lifesaver Fund.....\$25.00

1221 (b) **Drug violations.** In addition to any monetary
1222 penalties and any other penalties imposed by law, there shall be
1223 imposed and collected the following state assessment in addition
1224 to all other state assessments due under this section from each
1225 person upon whom a court imposes a fine or other penalty for any
1226 violation of Section 41-29-139:

1227 Drug Evidence Disposition Fund.....\$25.00

1228 (9) If a fine or other penalty imposed is suspended, in
1229 whole or in part, such suspension shall not affect the state
1230 assessment under this section. No state assessment imposed under
1231 the provisions of this section may be suspended or reduced by the
1232 court.

1233 (10) After a determination by the court of the amount due,
1234 it shall be the duty of the clerk of the court to promptly collect
1235 all state assessments imposed under the provisions of this



1236 section. The state assessments imposed under the provisions of
1237 this section may not be paid by personal check. It shall be the
1238 duty of the chancery clerk of each county to deposit all such
1239 state assessments collected in the circuit, county and justice
1240 courts in such county on a monthly basis with the State Treasurer
1241 pursuant to appropriate procedures established by the State
1242 Auditor. The chancery clerk shall make a monthly lump-sum deposit
1243 of the total state assessments collected in the circuit, county
1244 and justice courts in such county under this section, and shall
1245 report to the Department of Finance and Administration the total
1246 number of violations under each subsection for which state
1247 assessments were collected in the circuit, county and justice
1248 courts in such county during such month. It shall be the duty of
1249 the municipal clerk of each municipality to deposit all such state
1250 assessments collected in the municipal court in such municipality
1251 on a monthly basis with the State Treasurer pursuant to
1252 appropriate procedures established by the State Auditor. The
1253 municipal clerk shall make a monthly lump-sum deposit of the total
1254 state assessments collected in the municipal court in such
1255 municipality under this section, and shall report to the
1256 Department of Finance and Administration the total number of
1257 violations under each subsection for which state assessments were
1258 collected in the municipal court in such municipality during such
1259 month.



1260 (11) It shall be the duty of the Department of Finance and
1261 Administration to deposit on a monthly basis all such state
1262 assessments into the proper special fund in the State Treasury.
1263 The monthly deposit shall be based upon the number of violations
1264 reported under each subsection and the pro rata amount of such
1265 assessment due to the appropriate special fund. The Department of
1266 Finance and Administration shall issue regulations providing for
1267 the proper allocation of these special funds.

1268 (12) The State Auditor shall establish by regulation
1269 procedures for refunds of state assessments, including refunds
1270 associated with assessments imposed before July 1, 1990, and
1271 refunds after appeals in which the defendant's conviction is
1272 reversed. The Auditor shall provide in such regulations for
1273 certification of eligibility for refunds and may require the
1274 defendant seeking a refund to submit a verified copy of a court
1275 order or abstract by which such defendant is entitled to a refund.
1276 All refunds of state assessments shall be made in accordance with
1277 the procedures established by the Auditor.

1278 **SECTION 32.** This act shall take effect and be in force from
1279 and after July 1, 2016.

