MISSISSIPPI LEGISLATURE REGULAR SESSION 2015

By: Senator(s) Hopson To: Judiciary, Division A

SENATE BILL NO. 2021
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 37-115-43 AND 41-111-1, MISSISSIPPI CODE OF 1972, TO CHANGE THE NAME OF THE CHILDREN'S JUSTICE CENTER TO CHILDREN'S SAFE CENTER; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-115-43, Mississippi Code of 1972, is amended as follows:

37-115-43. (1) The University of Mississippi Medical Center, in collaboration with the Mississippi Department of Human Services and the Office of the Attorney General, is authorized and empowered to establish a Center of Excellence (Center), to provide care for abused and neglected children at the Blair E. Batson Hospital for Children located in Jackson, Mississippi, where suspected victims of child maltreatment referred by the Department of Human Services or law enforcement will receive comprehensive physical examinations conducted by medical professionals who specialize in child maltreatment. The University of Mississippi Medical Center shall promulgate such policies as may be necessary and desirable to carry out the programs of the Center. The Center

shall serve as a resource for the assessment, investigation and prosecution of child maltreatment. The Center shall work in collaboration with the Office of the Attorney General, the Mississippi Department of Human Services and other such state agencies and entities that provide services to children, to ensure that CARE Clinic services are provided in a uniform fashion throughout the state.

(2) The Department of Pediatrics may use the Center for educational and outreach programs, telemedicine consultations, to develop satellite clinics in other locations in the state in cooperation with the local community or private hospital when applicable, and to conduct major research initiatives in child maltreatment.

(3) The Center of Excellence shall provide services to maltreated children and comply with national certification standards as necessary to provide services to the Department of Human Services, the youth courts, state child advocacy centers, district attorney's offices and law enforcement agencies.

(4) There is created in the State Treasury a special fund to be known as the Children's * * * Safe Center Fund. The University of Mississippi Medical Center shall expend funds pursuant to appropriation therefor by the Legislature for the support and maintenance of the Children's * * * Safe Center. The University of Mississippi Medical Center is authorized to accept any and all grants, donations or matching funds from private, public or

federal sources in order to add to, improve and enlarge the physical facilities of the Center and to expend any such funds for the support and maintenance of the Center. Assessments from Section 99-19-73 designated for the Children's *** * *** Safe Center Fund shall be deposited into the fund. Monies remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned from the investment of monies in the fund shall be deposited to the credit of the fund.

SECTION 2. Section 41-111-1, Mississippi Code of 1972, is amended as follows:

41-111-1. (1) There is created the Child Death Review Panel, whose primary purpose is to foster the reduction of infant and child mortality and morbidity in Mississippi and to improve the health status of infants and children.

(2) The Child Death Review Panel shall be composed of seventeen (17) voting members: the State Medical Examiner or his representative, a pathologist on staff at the University of Mississippi Medical Center, an appointee of the Lieutenant Governor, an appointee of the Speaker of the House of Representatives, and one (1) representative from each of the following: the State Coroners Association, the Mississippi Chapter of the American Academy of Pediatrics, the Office of Vital Statistics in the State Department of Health, the Attorney General's office, the State Sheriff's Association, the Mississippi Police Chiefs Association, the Department of Human Services, the

Children's Advocacy Center, the State Chapter of the March of Dimes, the State SIDS Alliance, the Mississippi Children's * * * Safe Center, Safe Kids Mississippi, and the Mississippi State Fire Marshal's office.

(3) The Chairman of the Child Death Review Panel shall be elected annually by the Review Panel membership. The Review Panel shall develop and implement such procedures and policies necessary for its operation, including obtaining and protecting confidential records from the agencies and officials specified in subsection (4) of this section. The Review Panel shall be assigned to the State Department of Health for administrative purposes only, and the department shall designate staff to assist the Review Panel.

(4) The Child Death Review Panel shall submit a report annually to the Chairmen of the House Public Health and Human Services Committee and the Senate Public Health and Welfare Committee on or before December 1. The report shall include the numbers, causes and relevant demographic information on child and infant deaths in Mississippi, and appropriate recommendations to the Legislature on how to most effectively direct state resources to decrease infant and child deaths in Mississippi. Data for the Review Panel's review and reporting shall be provided to the Review Panel, upon the request of the Review Panel, by the State Medical Examiner's office, State Department of Health, Department of Human Services, medical examiners, coroners, health care providers, law enforcement agencies, any other agencies or

officials having information that is necessary for the Review Panel to carry out its duties under this section. The State Department of Health shall also be responsible for printing and distributing the annual report(s) on child and infant deaths in Mississippi.

(5) This section shall stand repealed on July 1, 2018.

SECTION 3. Section 99-19-73, Mississippi Code of 1972, is amended as follows:

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

FUND	AMOUNT
State Court Education Fund	$ .85
State Prosecutor Education Fund	1.25
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	1.50
Child Support Prosecution Trust Fund	.30
Driver Training Penalty Assessment Fund *** * ***	3.82
Law Enforcement Officers Training Fund	5.00
Spinal Cord and Head Injury Trust Fund	

(for all moving violations)..... 5.45

Emergency Medical Services Operating Fund..... 20.00

Mississippi Leadership Council on Aging Fund..... 1.00

Law Enforcement Officers and Fire Fighters

Death Benefits Trust Fund..... .50

Law Enforcement Officers and Fire Fighters

Disability Benefits Trust Fund..... .15

State Prosecutor Compensation Fund for the purpose

of providing additional compensation for

district attorneys and their legal assistants..... 10.00

Crisis Intervention Mental Health Fund..... 10.00

Drug Court Fund, through June 30, * * * 2016..... 10.53

Drug Court Fund, from and after July 1, * * * 2016..... 10.00

Judicial Performance Fund..... .50

Capital Defense Counsel Fund,

through June 30, 2016..... 3.09

from and after July 1, 2016..... 2.89

Indigent Appeals Fund..... 2.29

Capital Post-Conviction Counsel Fund..... * * * 2.83

Victims of Domestic Violence Fund..... .49

Public Defenders Education Fund..... 1.00

Domestic Violence Training Fund..... 1.00

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

Children's * * * Safe Center Fund..... * * * 2.31

DuBard School for Language Disorders Fund..... .88

Children's Advocacy Centers Fund..... 1.91

Judicial System Operation Fund,

through June 30, * * * 2016..... 1.35

TOTAL STATE ASSESSMENT THROUGH JUNE 30, * * * 2016.....$ 90.50

TOTAL STATE ASSESSMENT

FROM AND AFTER JULY 1, * * * 2016.....$ * * * 88.42

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

FUND	AMOUNT
Crime Victims' Compensation Fund	$ 10.00
State Court Education Fund	1.50
State Prosecutor Education Fund	2.00
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	1.50
Child Support Prosecution Trust Fund	.50
Driver Training Penalty Assessment Fund	22.00
Law Enforcement Officers Training Fund	11.00
Emergency Medical Services Operating Fund	45.00
Mississippi Alcohol Safety Education Program Fund	5.00
Federal-State Alcohol Program Fund	10.00
Mississippi * * * Forensics Laboratory	

Implied Consent Law Fund	25.00
Spinal Cord and Head Injury Trust Fund	25.00
Capital Defense Counsel Fund	2.89
Indigent Appeals Fund	2.29
Capital Post-Conviction Counsel Fund	2.33
Victims of Domestic Violence Fund	.49
State General Fund	35.00
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund	.50
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund	1.00
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants	10.00
Crisis Intervention Mental Health Fund	10.00
Drug Court Fund	10.00
Statewide Victims' Information and Notification System Fund	6.00
Public Defenders Education Fund	1.00
Domestic Violence Training Fund	1.00
Attorney General's Cyber-Crime Unit	2.50
TOTAL STATE ASSESSMENT	$243.50

(3) **Game and Fish Law violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from

each person upon whom a court imposes a fine or other penalty for any violation of the game and fish statutes or regulations of this state:

FUND	AMOUNT
State Court Education Fund	$ 1.50
State Prosecutor Education Fund	2.00
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	1.50
Law Enforcement Officers Training Fund	5.00
Hunter Education and Training Program Fund	5.00
State General Fund	30.00
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund	.50
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund	1.00
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants	10.00
Crisis Intervention Mental Health Fund	10.00
Drug Court Fund	10.00
Capital Defense Counsel Fund	2.89
Indigent Appeals Fund	2.29
Capital Post-Conviction Counsel Fund	2.33
Victims of Domestic Violence Fund	.49
Public Defenders Education Fund	1.00

Domestic Violence Training Fund..... 1.00

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

TOTAL STATE ASSESSMENT.....$ 89.00

(4) [Deleted]

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

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

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

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

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

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

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

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

FUND	AMOUNT
Crime Victims' Compensation Fund	$ 6.92
State Court Education Fund	1.50
State Prosecutor Education Fund	2.00
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	1.50
Child Support Prosecution Trust Fund	.50
Law Enforcement Officers Training Fund	5.00
Capital Defense Counsel Fund	2.89
Indigent Appeals Fund	2.29
Capital Post-Conviction Counsel Fund	2.33
Victims of Domestic Violence Fund	.49
State General Fund	30.00
State Crime Stoppers Fund	1.50
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund	.50
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund	1.00

State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants..... 10.00

Crisis Intervention Mental Health Fund..... 10.00

Drug Court Fund..... 8.00

Judicial Performance Fund..... 2.00

Statewide Victims' Information and Notification System Fund..... 6.00

Public Defenders Education Fund..... 1.00

Domestic Violence Training Fund..... 1.00

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

Information Exchange Network Fund..... 4.00

Motorcycle Officer Training Fund..... 1.06

Civil Legal Assistance Fund..... 2.77

Justice Court Collections Fund..... 7.50

Municipal Court Collections Fund..... 7.50

TOTAL STATE ASSESSMENT.....$121.75

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

FUND	AMOUNT
Crime Victims' Compensation Fund.....	$ 10.00

State Court Education Fund	1.50
State Prosecutor Education Fund	2.00
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	1.50
Child Support Prosecution Trust Fund	.50
Law Enforcement Officers Training Fund	5.00
Capital Defense Counsel Fund	2.89
Indigent Appeals Fund	2.29
Capital Post-Conviction Counsel Fund	2.33
Victims of Domestic Violence Fund	.49
State General Fund	60.00
Criminal Justice Fund	50.00
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund	.50
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund	1.00
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants	10.00
Crisis Intervention Mental Health Fund	10.00
Drug Court Fund	10.00
Statewide Victims' Information and Notification System Fund	6.00
Public Defenders Education Fund	1.00
Domestic Violence Training Fund	1.00

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

*** * *** Forensics Laboratory DNA Identification System Fund. 100.00

TOTAL STATE ASSESSMENT.....$280.50

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

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

Operation Lifesaver Fund.....$25.00

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

Drug Evidence Disposition Fund.....$25.00

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

(10) After a determination by the court of the amount due, it shall be the duty of the clerk of the court to promptly collect all state assessments imposed under the provisions of this section. The state assessments imposed under the provisions of this section may not be paid by personal check. It shall be the duty of the chancery clerk of each county to deposit all such state assessments collected in the circuit, county and justice courts in such county on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The chancery clerk shall make a monthly lump-sum deposit of the total state assessments collected in the circuit, county and justice courts in such county under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the circuit, county and justice courts in such county during such month. It shall be the duty of the municipal clerk of each municipality to deposit all such state assessments collected in the municipal court in such municipality on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The municipal clerk shall make a monthly lump-sum deposit of the total state assessments collected in the municipal court in such municipality under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were

collected in the municipal court in such municipality during such month.

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

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

SECTION 4. This act shall take effect and be in force from and after July 1, 2015.