MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives McGee, McCarty

To: Universities and Colleges; Appropriations

# HOUSE BILL NO. 1069

AN ACT TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE CHILDREN'S CENTER FOR COMMUNICATION AND DEVELOPMENT FUND TO SUPPORT THE CHILDREN'S CENTER FOR COMMUNICATION AND DEVELOPMENT AT THE UNIVERSITY OF SOUTHERN MISSISSIPPI; TO AMEND SECTIONS 37-23-31 AND 37-23-69, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT WHEN A CERTAIN NUMBER OF HIGH-INCIDENCE NEEDS EXCEPTIONAL STUDENTS ARE UNABLE TO HAVE THEIR EDUCATIONAL NEEDS MET IN A REGULAR PUBLIC SCHOOL, A STATE-SUPPORTED UNIVERSITY-BASED PROGRAM MAY PROVIDE THE PROGRAM OF EDUCATION FOR SUCH CHILDREN, IF SUCH PROGRAM IS DETERMINED TO BE THE LEAST RESTRICTIVE ENVIRONMENT; TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO EXPAND THE DEFINITION OF "COMPULSORY-SCHOOL-AGE CHILD" TO INCLUDE A CHILD BETWEEN THE AGES OF THREE AND FIVE YEARS WHO HAS A DISABILITY AS DEFINED UNDER IDEA OR REHABILITATION ACT OF 1973; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AN ASSESSMENT ON MOVING TRAFFIC VIOLATIONS FOR THE CHILDREN'S CENTER FOR COMMUNICATION AND DEVELOPMENT; AND FOR RELATED PURPOSES.

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

**SECTION 1.** There is created in the State Treasury a special fund to be known as the "Children's Center for Communication and Development Fund," which shall be administered by the Board of Trustees of State Institutions of Higher Learning. The purpose of the fund shall be to support the Children's Center for Communication and Development at the University of Southern Mississippi. Monies in the fund shall be expended by the board of

trustees, upon appropriation by the Legislature. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of:

(a) Monies appropriated by the Legislature for the purposes of funding the Children's Center for Communication and Development;

(b) The interest accruing to the fund;

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

(d) Monies received from the federal government, particularly grant funds from IDEA-Part C, and any funds made available from IDEA-Part B, Sections 611 and 619 for which the Children's Center may be eligible;

(e) Donations; and

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

**SECTION 2.** Section 37-23-31, Mississippi Code of 1972, is amended as follows:

37-23-31. (1) When five (5) or more children under twenty-one (21) years of age who because of deafness, aphasia, emotional disturbance and/or other *** * *** high-incidence needs, are unable to have their educational needs met in a regular public school program, and a special education program in their particular areas of exceptionality is not available in their respective local public school districts, a state-supported

university or college shall be authorized and empowered, in its discretion, to provide a program of education, instruction and training to such children, provided that such program shall operate under rules, regulations, policies and standards adopted by the State Department of Education as provided for in Section 37-23-33. The opinion of a parent or guardian in regard to the provision of an appropriate special education program in or by their respective local public school district shall be considered before a placement decision is finalized. Parents shall have any and all rights as provided in the Individuals with Disabilities Education Act, including, but not limited to, the right to equal participation in their child's Individualized Education Program (IEP), the right to require review of their child's IEP, and the right to appeal an IEP Committee decision immediately. The parent or guardian or local educational agency shall have the right to audio record the proceedings of individualized education program team meetings. The parent or guardian or local educational agency shall notify the members of the individualized education program team of his, her, or its intent to audio record a meeting at least twenty-four (24) hours prior to the meeting.

(2) Any state-supported university or college conducting a full-time medical teaching program acceptable to the State Board of Education may, at its discretion, enter into such contracts or agreements with any private school or nonprofit corporation-supported institution, the Mississippi School for the

Deaf, or any state-supported institution, providing the special education contemplated by this section for such services, provided the private school or institution offering such services shall have conducted a program of such services at standards acceptable to the State Department of Education for a period of at least one (1) year prior to the date at which the university or college proposes to enter into an agreement or contract for special educational services as described above.

**SECTION 3.** Section 37-23-69, Mississippi Code of 1972, is amended as follows:

37-23-69. The State Department of Education may determine and pay the amount of the financial assistance to be made available to each applicant, and see that all applicants and the programs for them meet the requirements of the program for exceptional children. No financial assistance shall exceed the obligation actually incurred by the applicant for educational costs, which shall include special education and related services as defined by the Mississippi Department of Education Policies and Procedures Regarding Children with Disabilities under the federal Individuals with Disabilities Education Act (IDEA). Within the amount of available state funds appropriated for that purpose, each such applicant may receive assistance according to the following allowances:

(a) If the applicant chooses to attend a private school, a parochial school or a speech, hearing and/or language

clinic having an appropriate program for the applicant, and if the school or clinic meets federal and state regulations, then the educational costs reimbursement will be one hundred percent (100%) of the first Six Hundred Dollars ($600.00) in educational costs charged by the school or clinic; or, if the applicant is under six (6) years of age, and no program appropriate for the child exists in the public schools of his domicile, then the reimbursement shall be one hundred percent (100%) of the first Six Hundred Dollars ($600.00) in educational costs charged by the school or clinic, and fifty percent (50%) of the next Eight Hundred Dollars ($800.00) in educational costs charged by the school or clinic;

(b) A public school district shall be reimbursed for the educational costs of an applicant up to an annual maximum based on a multiple of the base student cost as determined under the Mississippi Adequate Education Program (MAEP) or other cost factor as determined by the State Board of Education if the following conditions are met: (i) an applicant in the age range six (6) through twenty (20) requests the public school district where he resides to provide an education for him and the nature of the applicant's educational problem is such that, according to best educational practices, it cannot be met in the public school district where the child resides; (ii) the public school district decides to provide the applicant a free appropriate education by placing him in a private school, a parochial school or a speech, hearing and/or language clinic having an appropriate program for

the applicant; (iii) the program meets federal and state regulations; and (iv) the applicant is approved for financial assistance by a State Level Review Board established by the State Board of Education. The Review Board will act on financial assistance requests within five (5) working days of receipt. Nothing in this paragraph shall prevent two (2) or more public school districts from forming a cooperative to meet the needs of low-incidence exceptional children, high-incidence exceptional children or both low-incidence and high-incidence exceptional children, nor shall the public school be relieved of its responsibility to provide an education for all children. If state monies are not sufficient to fund all applicants, there will be a ratable reduction for all recipients receiving state funds under this section. School districts may pay additional educational costs from available federal, state and local funds.

If an exceptional child, as defined in Section 37-23-3, is placed in a therapeutic or other group home licensed or approved by the state that has no educational program associated with it, the local school district in which the home is located shall offer an appropriate educational program to that child.

At any time that the Individualized Education Program (IEP) Committee in the district where the home is located determines that an exceptional child, as defined in Section 37-23-3, residing in that home can no longer be provided a free appropriate public education in that school district, and the State Department of

Education agrees with that decision, then the State Department of Education shall recommend to the Department of Human Services placement of the child by the Department of Human Services, which shall take appropriate action. The placement of the exceptional child in the facility shall be at no cost to the local school district. Funds available under Sections 37-23-61 through 37-23-77, as well as any available federal funds, may be used to provide the educational costs of the placement. If the exceptional child is under the guardianship of the Department of Human Services or another state agency, the State Department of Education shall pay only for the educational costs of that placement, and the other agency shall be responsible for the room, board and any other costs. The special education and related services provided to the child shall be in compliance with State Department of Education and any related federal regulations. The State Board of Education may promulgate regulations that are necessary to implement this section; and

(c) If an appropriate local or regional system of care, including a free appropriate public education, is available for exceptional children who are currently being served in out-of-district or Department of Human Services placements under Section 37-23-69(b) or 37-23-77, then the state funds from the State Department of Education that would have been used for those placements may be paid into a pool of funds with funds from other state agencies to be used for the implementation of the

individualized plans of care for those children. If there are sufficient funds to serve additional exceptional children because of cost savings as a result of serving these students at home and/or matching the pooled funds with federal dollars, the funds may be used to implement individualized plans of care for those additional exceptional children. Each local or regional provider of services included in the individualized plans of care shall comply with all appropriate state and federal regulations. The State Board of Education may promulgate regulations that are necessary to implement this section.

The State Department of Education may also provide for the payment of that financial assistance in installments and for proration of that financial assistance in the case of children attending a school or clinic for less than a full school session and, if available funds are insufficient, may allocate the available funds among the qualified applicants and local school districts by reducing the maximum assistance provided for in this section.

Any monies provided an applicant under Sections 37-23-61 through 37-23-75 shall be applied by the receiving educational institution as a reduction in the amount of the educational costs paid by the applicant, and the total educational costs paid by the applicant shall not exceed the total educational costs paid by any other child in similar circumstances enrolled in the same program in that institution. However, this limitation shall not prohibit

the waiving of all or part of the educational costs for a limited number of children based upon demonstrated financial need, and the State Department of Education may adopt and enforce reasonable rules and regulations to carry out the intent of these provisions.

**SECTION 4.** Section 37-13-91, Mississippi Code of 1972, is amended as follows:

37-13-91. (1) This section shall be referred to as the "Mississippi Compulsory School Attendance Law."

(2) The following terms as used in this section are defined as follows:

(a) "Parent" means the father or mother to whom a child has been born, or the father or mother by whom a child has been legally adopted.

(b) "Guardian" means a guardian of the person of a child, other than a parent, who is legally appointed by a court of competent jurisdiction.

(c) "Custodian" means any person having the present care or custody of a child, other than a parent or guardian of the child.

(d) "School day" means not less than five and one-half (5-1/2) and not more than eight (8) hours of actual teaching in which both teachers and pupils are in regular attendance for scheduled schoolwork.

(e) "School" means any public school, including a charter school, in this state or any nonpublic school in this

state which is in session each school year for at least one hundred eighty (180) school days, except that the "nonpublic" school term shall be the number of days that each school shall require for promotion from grade to grade.

(f) "Compulsory-school-age child" means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program. For purposes of providing a free appropriate public education (FAPE) to children with disabilities, the term "compulsory-school-age child" means a child between the ages of three (3) and five (5) years who has a disability as defined under IDEA or Rehabilitation Act of 1973.

(g) "School attendance officer" means a person employed by the State Department of Education pursuant to Section 37-13-89.

(h) "Appropriate school official" means the superintendent of the school district, or his designee, or, in the case of a nonpublic school, the principal or the headmaster.

(i) "Nonpublic school" means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This

definition shall include, but not be limited to, private, church, parochial and home instruction programs.

(3) A parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory school age, except under the following circumstances:

(a) When a compulsory-school-age child is physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based upon sufficient medical documentation.

(b) When a compulsory-school-age child is enrolled in and pursuing a course of special education, remedial education or education for handicapped or physically or mentally disadvantaged children.

(c) When a compulsory-school-age child is being educated in a legitimate home instruction program.

The parent, guardian or custodian of a compulsory-school-age child described in this subsection, or the parent, guardian or custodian of a compulsory-school-age child attending any charter school or nonpublic school, or the appropriate school official for any or all children attending a charter school or nonpublic school shall complete a "certificate of enrollment" in order to facilitate the administration of this section.

The form of the certificate of enrollment shall be prepared by the Office of Compulsory School Attendance Enforcement of the State Department of Education and shall be designed to obtain the following information only:

(i) The name, address, telephone number and date of birth of the compulsory-school-age child;

(ii) The name, address and telephone number of the parent, guardian or custodian of the compulsory-school-age child;

(iii) A simple description of the type of education the compulsory-school-age child is receiving and, if the child is enrolled in a nonpublic school, the name and address of the school; and

(iv) The signature of the parent, guardian or custodian of the compulsory-school-age child or, for any or all compulsory-school-age child or children attending a charter school or nonpublic school, the signature of the appropriate school official and the date signed.

The certificate of enrollment shall be returned to the school attendance officer where the child resides on or before September 15 of each year. Any parent, guardian or custodian found by the school attendance officer to be in noncompliance with this section shall comply, after written notice of the noncompliance by the school attendance officer, with this subsection within ten (10) days after the notice or be in violation of this section. However, in the event the child has been enrolled in a public

school within fifteen (15) calendar days after the first day of the school year as required in subsection (6), the parent or custodian may, at a later date, enroll the child in a legitimate nonpublic school or legitimate home instruction program and send the certificate of enrollment to the school attendance officer and be in compliance with this subsection.

For the purposes of this subsection, a legitimate nonpublic school or legitimate home instruction program shall be those not operated or instituted for the purpose of avoiding or circumventing the compulsory attendance law.

(4) An "unlawful absence" is an absence for an entire school day or during part of a school day by a compulsory-school-age child, which absence is not due to a valid excuse for temporary nonattendance. For purposes of reporting absenteeism under subsection (6) of this section, if a compulsory-school-age child has an absence that is more than thirty-seven percent (37%) of the instructional day, as fixed by the school board for the school at which the compulsory-school-age child is enrolled, the child must be considered absent the entire school day. Days missed from school due to disciplinary suspension shall not be considered an "excused" absence under this section. This subsection shall not apply to children enrolled in a nonpublic school.

Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a noncharter public school, provided satisfactory evidence of

the excuse is provided to the superintendent of the school district, or his designee:

(a) An absence is excused when the absence results from the compulsory-school-age child's attendance at an authorized school activity with the prior approval of the superintendent of the school district, or his designee. These activities may include field trips, athletic contests, student conventions, musical festivals and any similar activity.

(b) An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.

(c) An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.

(d) An absence is excused when it results from the death or serious illness of a member of the immediate family of a compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse, grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.

(e) An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

(f) An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of

a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.

(g) An absence may be excused if the religion to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

(h) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.

(i) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to warrant the compulsory-school-age child's nonattendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

(j) An absence is excused when it results from the attendance of a compulsory-school-age child participating in official organized events sponsored by the 4-H or Future Farmers of America (FFA). The excuse for the 4-H or FFA event must be provided in writing to the appropriate school superintendent by the Extension Agent or High School Agricultural Instructor/FFA Advisor.

(k) An absence is excused when it results from the compulsory-school-age child officially being employed to serve as a page at the State Capitol for the Mississippi House of Representatives or Senate.

(5) Any parent, guardian or custodian of a compulsory-school-age child subject to this section who refuses or willfully fails to perform any of the duties imposed upon him or her under this section or who intentionally falsifies any information required to be contained in a certificate of enrollment, shall be guilty of contributing to the neglect of a child and, upon conviction, shall be punished in accordance with Section 97-5-39.

Upon prosecution of a parent, guardian or custodian of a compulsory-school-age child for violation of this section, the presentation of evidence by the prosecutor that shows that the child has not been enrolled in school within eighteen (18) calendar days after the first day of the school year of the public school which the child is eligible to attend, or that the child

has accumulated twelve (12) unlawful absences during the school year at the public school in which the child has been enrolled, shall establish a prima facie case that the child's parent, guardian or custodian is responsible for the absences and has refused or willfully failed to perform the duties imposed upon him or her under this section. However, no proceedings under this section shall be brought against a parent, guardian or custodian of a compulsory-school-age child unless the school attendance officer has contacted promptly the home of the child and has provided written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance.

(6) If a compulsory-school-age child has not been enrolled in a school within fifteen (15) calendar days after the first day of the school year of the school which the child is eligible to attend or the child has accumulated five (5) unlawful absences during the school year of the public school in which the child is enrolled, the school district superintendent, or his designee, shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officer. The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer. The superintendent, or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur.

(7) When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to effect the enrollment and/or attendance, the attendance officer shall file a petition with the youth court under Section 43-21-451 or shall file a petition in a court of competent jurisdiction as it pertains to parent or child. Sheriffs, deputy sheriffs and municipal law enforcement officers shall be fully authorized to investigate all cases of nonattendance and unlawful absences by compulsory-school-age children, and shall be authorized to file a petition with the youth court under Section 43-21-451 or file a petition or information in the court of competent jurisdiction as it pertains to parent or child for violation of this section. The youth court shall expedite a hearing to make an appropriate adjudication and a disposition to ensure compliance with the Compulsory School Attendance Law, and may order the child to enroll or re-enroll in school. The superintendent of the school district to which the child is ordered may assign, in his discretion, the child to the alternative school program of the school established pursuant to Section 37-13-92.

(8) The State Board of Education shall adopt rules and regulations for the purpose of reprimanding any school superintendents who fail to timely report unexcused absences under the provisions of this section.

(9) Notwithstanding any provision or implication herein to the contrary, it is not the intention of this section to impair the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the proper education and training for such child, and nothing in this section shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, of any kind whatsoever that is not a public school according to the laws of this state; and this section shall never be construed so as to grant, by implication or otherwise, any right or authority to any state agency or other entity to control, manage, supervise, provide for or affect the operation, management, program, curriculum, admissions policy or discipline of any such school or home instruction program.

**SECTION 5.** 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 | [Deleted] |
| State Prosecutor Education Fund | [Deleted] |
| Vulnerable Persons Training, Investigation and Prosecution Trust Fund | [Deleted] |
| Child Support Prosecution Trust Fund | [Deleted] |
| Driver Training Penalty Assessment Fund | [Deleted] |
| Law Enforcement Officers Training Fund | [Deleted] |
| Spinal Cord and Head Injury Trust Fund (for all moving violations) | [Deleted] |
| Emergency Medical Services Operating Fund | [Deleted] |
| Mississippi Leadership Council on Aging Fund | [Deleted] |
| Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund | [Deleted] |
| Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund | [Deleted] |
| State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants | [Deleted] |
| Crisis Intervention Mental Health Fund | [Deleted] |
| Intervention Court Fund | [Deleted] |
| Judicial Performance Fund | [Deleted] |

Capital Defense Counsel Fund.....[Deleted]

Indigent Appeals Fund.....[Deleted]

Capital Post-Conviction Counsel Fund.....[Deleted]

Victims of Domestic Violence Fund.....[Deleted]

Public Defenders Education Fund.....[Deleted]

Domestic Violence Training Fund.....[Deleted]

Attorney General's Cyber Crime Unit.....[Deleted]

Children's Safe Center Fund.....[Deleted]

DuBard School for Language Disorders Fund.....[Deleted]

Children's Advocacy Centers Fund.....[Deleted]

Judicial System Operation Fund.....[Deleted]

GENERAL FUND.....$ 90.50

CHILDREN'S CENTER FOR COMMUNICATION AND DEVELOPMENT FUND.$ .95

(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.....[Deleted]

State Court Education Fund.....[Deleted]

State Prosecutor Education Fund.....[Deleted]

Vulnerable Persons Training,

Investigation and Prosecution Trust Fund.....[Deleted]

Child Support Prosecution Trust Fund.....[Deleted]

Driver Training Penalty Assessment Fund.....[Deleted]

Law Enforcement Officers Training Fund.....[Deleted]

Emergency Medical Services Operating Fund.....[Deleted]

Mississippi Alcohol Safety Education Program Fund.....[Deleted]

Federal-State Alcohol Program Fund.....[Deleted]

Mississippi Forensics Laboratory

    Implied Consent Law Fund.....[Deleted]

Spinal Cord and Head Injury Trust Fund.....[Deleted]

Capital Defense Counsel Fund.....[Deleted]

Indigent Appeals Fund.....[Deleted]

Capital Post-Conviction Counsel Fund.....[Deleted]

Victims of Domestic Violence Fund.....[Deleted]

Law Enforcement Officers and Fire Fighters

    Death Benefits Trust Fund.....[Deleted]

Law Enforcement Officers and Fire Fighters

    Disability Benefits Trust Fund.....[Deleted]

State Prosecutor Compensation Fund for the purpose

    of providing additional compensation for

    district attorneys and their legal assistants.....[Deleted]

Crisis Intervention Mental Health Fund.....[Deleted]

Intervention Court Fund.....[Deleted]

Statewide Victims' Information and

    Notification System Fund.....[Deleted]

Public Defenders Education Fund.....[Deleted]

Domestic Violence Training Fund.....[Deleted]

Attorney General's Cyber Crime Unit.....[Deleted]

GENERAL FUND.....$ 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..... | [Deleted] |
| State Prosecutor Education Fund..... | [Deleted] |
| Vulnerable Persons Training, Investigation and Prosecution Trust Fund..... | [Deleted] |
| Law Enforcement Officers Training Fund..... | [Deleted] |
| Hunter Education and Training Program Fund..... | [Deleted] |
| Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund..... | [Deleted] |
| Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund..... | [Deleted] |
| State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants..... | [Deleted] |
| Crisis Intervention Mental Health Fund..... | [Deleted] |
| Intervention Court Fund..... | [Deleted] |

Capital Defense Counsel Fund.....[Deleted]

Indigent Appeals Fund.....[Deleted]

Capital Post-Conviction Counsel Fund.....[Deleted]

Victims of Domestic Violence Fund.....[Deleted]

Public Defenders Education Fund.....[Deleted]

Domestic Violence Training Fund.....[Deleted]

Attorney General's Cyber Crime Unit.....[Deleted]

GENERAL FUND.....$ 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 State General Fund.

(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 | [Deleted] |
| State Court Education Fund | [Deleted] |
| State Prosecutor Education Fund | [Deleted] |
| Vulnerable Persons Training, Investigation and Prosecution Trust Fund | [Deleted] |
| Child Support Prosecution Trust Fund | [Deleted] |
| Law Enforcement Officers Training Fund | [Deleted] |
| Capital Defense Counsel Fund | [Deleted] |
| Indigent Appeals Fund | [Deleted] |
| Capital Post-Conviction Counsel Fund | [Deleted] |
| Victims of Domestic Violence Fund | [Deleted] |
| State Crime Stoppers Fund | [Deleted] |
| Law Enforcement Officers and Fire Fighters | |

Death Benefits Trust Fund.....[Deleted]

Law Enforcement Officers and Fire Fighters

Disability Benefits Trust Fund.....[Deleted]

State Prosecutor Compensation Fund for the purpose

of providing additional compensation for

district attorneys and their legal assistants.....[Deleted]

Crisis Intervention Mental Health Fund.....[Deleted]

Intervention Court Fund.....[Deleted]

Judicial Performance Fund.....[Deleted]

Statewide Victims' Information and

Notification System Fund.....[Deleted]

Public Defenders Education Fund.....[Deleted]

Domestic Violence Training Fund.....[Deleted]

Attorney General's Cyber Crime Unit.....[Deleted]

Information Exchange Network Fund.....[Deleted]

Motorcycle Officer Training Fund.....[Deleted]

Civil Legal Assistance Fund.....[Deleted]

Justice Court Collections Fund.....[Deleted]

Municipal Court Collections Fund.....[Deleted]

GENERAL FUND.....$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 | [Deleted] |
| State Court Education Fund | [Deleted] |
| State Prosecutor Education Fund | [Deleted] |
| Vulnerable Persons Training, Investigation and Prosecution Trust Fund | [Deleted] |
| Child Support Prosecution Trust Fund | [Deleted] |
| Law Enforcement Officers Training Fund | [Deleted] |
| Capital Defense Counsel Fund | [Deleted] |
| Indigent Appeals Fund | [Deleted] |
| Capital Post-Conviction Counsel Fund | [Deleted] |
| Victims of Domestic Violence Fund | [Deleted] |
| Criminal Justice Fund | [Deleted] |
| Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund | [Deleted] |
| Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund | [Deleted] |
| State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants | [Deleted] |
| Crisis Intervention Mental Health Fund | [Deleted] |
| Intervention Court Fund | [Deleted] |
| Statewide Victims' Information and | |

Notification System Fund.....[Deleted]

Public Defenders Education Fund.....[Deleted]

Domestic Violence Training Fund.....[Deleted]

Attorney General's Cyber Crime Unit.....[Deleted]

Forensics Laboratory DNA Identification System Fund.....[Deleted]

GENERAL FUND.....$ 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

Mississippi Foster Care Fund.....$2.00

(c) **Motor vehicle liability insurance 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 63-15-4(4) or Section 63-16-13(1):

Uninsured Motorist Identification Fund:

First offense.....$200.00

Second offense.....$300.00

Third or subsequent offense.....$400.00

(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) (a) 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.

(b) It shall be the duty of the chancery clerk of each county to deposit all state assessments collected in the circuit, county and justice courts in the 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 the 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 the county during that month.

(c) It shall be the duty of the municipal clerk of each municipality to deposit all the state assessments collected in the municipal court in the 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 the 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 the municipality during that month.

(11) It shall be the duty of the Department of Finance and Administration to deposit on a monthly basis all state assessments into the State General Fund or proper special fund in the State Treasury. The Department of Finance and Administration shall issue regulations providing for the proper allocation of these 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 the 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 the defendant is entitled to a refund. All refunds of state assessments shall be made in accordance with the procedures established by the Auditor.

**SECTION 6.** This act shall take effect and be in force from and after July 1, 2021.