MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Bain

To: Judiciary B;
Appropriations

HOUSE BILL NO. 289

AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PORTION OF THE STATE ASSESSMENTS COLLECTED UNDER THIS SECTION WILL BE DEPOSITED INTO THE LAW ENFORCEMENT OFFICERS TRAINING FUND AND THE MISSISSIPPI FORENSICS LABORATORY IMPLIED CONSENT LAW FUND AND DNA IDENTIFICATION SYSTEM FUND INSTEAD OF INTO THE STATE GENERAL FUND; AND FOR RELATED PURPOSES.

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

SECTION 1. 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..... * * *5.00
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]

State General Fund.....85.50

*** * *** TOTAL STATE ASSESSMENT.....$ 90.50

(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	*** * *** 11.00
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..... * * *25.00
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]
State General Fund.....207.50
* * * 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	[Deleted]
State Prosecutor Education Fund	[Deleted]
Vulnerable Persons Training, Investigation and Prosecution Trust Fund	[Deleted]
Law Enforcement Officers Training Fund	* * *5.00
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]

State General Fund.....84.00

*** * *** 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 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	* * *5.00
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]

State General Fund.....116.75

*** * *** 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	[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..... * * *5.00

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... * * *100.00

State General Fund.....175.50

* * * 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

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