

By: Representative Smith (39th)

To: Judiciary B

HOUSE BILL NO. 665
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 AS AMENDED BY SENATE BILL NO. 2686, 2007 REGULAR SESSION, AND
3 HOUSE BILL NO. 1498, 2007 REGULAR SESSION, TO REVISE THE STATEWIDE
4 MONETARY ASSESSMENTS TO PROVIDE FUNDING FOR THE STATEWIDE VICTIMS'
5 INFORMATION AND NOTIFICATION SYSTEM; TO AMEND SECTION 99-45-9,
6 MISSISSIPPI CODE OF 1972, TO CREATE THE STATEWIDE VICTIMS'
7 INFORMATION AND NOTIFICATION SYSTEM FUND; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** Section 99-19-73, Mississippi Code of 1972, as
11 amended by Senate Bill No. 2686, 2007 Regular Session, and House
12 Bill No. 1498, 2007 Regular Session, is amended as follows:

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

21 FUND	AMOUNT
22 State Court Education Fund.....	\$ 1.50
23 State Prosecutor Education Fund.....	1.00
24 Vulnerable Adults Training, 25 Investigation and Prosecution Trust Fund.....	.50
26 Child Support Prosecution Trust Fund.....	.50
27 Driver Training Penalty Assessment Fund.....	7.00
28 Law Enforcement Officers Training Fund.....	5.00
29 Spinal Cord and Head Injury Trust Fund 30 (for all moving violations).....	6.00

31	Emergency Medical Services Operating Fund.....	15.00
32	Mississippi Leadership Council on Aging Fund.....	1.00
33	Law Enforcement Officers and Fire Fighters Death	
34	Benefits Trust Fund.....	.50
35	Law Enforcement Officers and Fire Fighters	
36	Disability Benefits Trust Fund.....	1.00
37	State Prosecutor Compensation Fund for the purpose	
38	of providing additional compensation for legal	
39	assistants to district attorneys.....	1.50
40	Crisis Intervention Mental Health Fund.....	10.00
41	Drug Court Fund.....	10.00
42	Capital Defense Counsel Fund.....	2.89
43	Indigent Appeals Fund.....	2.29
44	Capital Post-Conviction Counsel Fund.....	2.33
45	Victims of Domestic Violence Fund.....	.49
46	<u>Public Defenders Education Fund</u>	<u>1.00</u>
47	TOTAL STATE ASSESSMENT.....	\$ <u>69.50</u>

48 (2) **Implied Consent Law violations.** In addition to any
49 monetary penalties and any other penalties imposed by law, there
50 shall be imposed and collected the following state assessment from
51 each person upon whom a court imposes a fine or any other penalty
52 for any violation of the Mississippi Implied Consent Law (Section
53 63-11-1 et seq.):

54	FUND	AMOUNT
55	Crime Victims' Compensation Fund.....	\$ 10.00
56	State Court Education Fund.....	1.50
57	State Prosecutor Education Fund.....	1.00
58	Vulnerable Adults Training,	
59	Investigation and Prosecution Trust Fund.....	.50
60	Child Support Prosecution Trust Fund.....	.50
61	Driver Training Penalty Assessment Fund.....	22.00
62	Law Enforcement Officers Training Fund.....	11.00
63	Emergency Medical Services Operating Fund.....	15.00

64	Mississippi Alcohol Safety Education Program Fund....	5.00
65	Federal-State Alcohol Program Fund.....	10.00
66	Mississippi Crime Laboratory	
67	Implied Consent Law Fund.....	25.00
68	Spinal Cord and Head Injury Trust Fund.....	25.00
69	Capital Defense Counsel Fund.....	2.89
70	Indigent Appeals Fund.....	2.29
71	Capital Post-Conviction Counsel Fund.....	2.33
72	Victims of Domestic Violence Fund.....	.49
73	State General Fund.....	35.00
74	Law Enforcement Officers and Fire Fighters Death	
75	Benefits Trust Fund.....	.50
76	Law Enforcement Officers and Fire Fighters Disability	
77	Benefits Trust Fund.....	1.00
78	State Prosecutor Compensation Fund for the purpose	
79	of providing additional compensation for legal	
80	assistants to district attorneys.....	1.50
81	Crisis Intervention Mental Health Fund.....	10.00
82	Drug Court Fund.....	10.00
83	<u>Statewide Victims' Information and Notification</u>	
84	<u>System Fund</u>	<u>6.00</u>
85	<u>Public Defenders Education Fund</u>	<u>1.00</u>
86	TOTAL STATE ASSESSMENT.....	\$ <u>199.50</u>

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

93	FUND	AMOUNT
94	State Court Education Fund.....	\$ 1.50
95	State Prosecutor Education Fund.....	1.00
96	Law Enforcement Officers Training Fund.....	5.00

97	Hunter Education and Training Program Fund.....	5.00
98	State General Fund.....	30.00
99	Law Enforcement Officers and Fire Fighters Death	
100	Benefits Trust Fund.....	.50
101	Law Enforcement Officers and Fire Fighters Disability	
102	Benefits Trust Fund.....	1.00
103	State Prosecutor Compensation Fund for the purpose	
104	of providing additional compensation for legal	
105	assistants to district attorneys.....	1.00
106	Crisis Intervention Mental Health Fund.....	10.00
107	Drug Court Fund.....	10.00
108	Capital Defense Counsel Fund.....	2.89
109	Indigent Appeals Fund.....	2.29
110	Capital Post-Conviction Counsel Fund.....	2.33
111	Victims of Domestic Violence Fund.....	.49
112	<u>Public Defenders Education Fund</u>	<u>1.00</u>
113	TOTAL STATE ASSESSMENT.....	\$ <u>74.00</u>

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

119	FUND	AMOUNT
120	Statewide Litter Prevention Fund.....	\$ 25.00
121	TOTAL STATE ASSESSMENT.....	\$ 25.00

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

129	FUND	AMOUNT
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130	Crime Victims' Compensation Fund.....	\$ 10.00
131	State Court Education Fund.....	1.50
132	State Prosecutor Education Fund.....	1.00
133	Vulnerable Adults Training,	
134	Investigation and Prosecution Trust Fund.....	.50
135	Child Support Prosecution Trust Fund.....	.50
136	Law Enforcement Officers Training Fund.....	5.00
137	Capital Defense Counsel Fund.....	2.89
138	Indigent Appeals Fund.....	2.29
139	Capital Post-Conviction Counsel Fund.....	2.33
140	Victims of Domestic Violence Fund.....	.49
141	State General Fund.....	30.00
142	State Crime Stoppers Fund.....	1.50
143	Law Enforcement Officers and Fire Fighters Death	
144	Benefits Trust Fund.....	.50
145	Law Enforcement Officers and Fire Fighters Disability	
146	Benefits Trust Fund.....	1.00
147	State Prosecutor Compensation Fund for the purpose	
148	of providing additional compensation for legal	
149	assistants to district attorneys.....	1.50
150	Crisis Intervention Mental Health Fund.....	10.00
151	Drug Court Fund.....	8.00
152	Judicial Performance Fund.....	2.00
153	<u>Statewide Victims' Information and Notification</u>	
154	<u>System Fund</u>	<u>6.00</u>
155	<u>Public Defenders Education Fund</u>	<u>1.00</u>
156	TOTAL STATE ASSESSMENT.....	\$ <u>88.00</u>

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

163	FUND	AMOUNT
164	Crime Victims' Compensation Fund.....	\$ 10.00
165	State Court Education Fund.....	1.50
166	State Prosecutor Education Fund.....	1.00
167	Vulnerable Adults Training,	
168	Investigation and Prosecution Trust Fund.....	.50
169	Child Support Prosecution Trust Fund.....	.50
170	Law Enforcement Officers Training Fund.....	5.00
171	Capital Defense Counsel Fund.....	2.89
172	Indigent Appeals Fund.....	2.29
173	Capital Post-Conviction Counsel Fund.....	2.33
174	Victims of Domestic Violence Fund.....	.49
175	State General Fund.....	60.00
176	Criminal Justice Fund.....	50.00
177	Law Enforcement Officers and Fire Fighters Death	
178	Benefits Trust Fund.....	.50
179	Law Enforcement Officers and Fire Fighters Disability	
180	Benefits Trust Fund.....	1.00
181	State Prosecutor Compensation Fund for the purpose	
182	of providing additional compensation for legal	
183	assistants to district attorneys.....	1.50
184	Crisis Intervention Mental Health Fund.....	10.00
185	Drug Court Fund.....	10.00
186	<u>Statewide Victims' Information and Notification</u>	
187	<u>System Fund</u>	<u>6.00</u>
188	<u>Public Defenders Education Fund</u>	<u>1.00</u>
189	TOTAL STATE ASSESSMENT.....	<u>\$166.50</u>

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

195 (8) After a determination by the court of the amount due, it
196 shall be the duty of the clerk of the court to promptly collect
197 all state assessments imposed under the provisions of this
198 section. The state assessments imposed under the provisions of
199 this section may not be paid by personal check. It shall be the
200 duty of the chancery clerk of each county to deposit all such
201 state assessments collected in the circuit, county and justice
202 courts in such county on a monthly basis with the State Treasurer
203 pursuant to appropriate procedures established by the State
204 Auditor. The chancery clerk shall make a monthly lump-sum deposit
205 of the total state assessments collected in the circuit, county
206 and justice courts in such county under this section, and shall
207 report to the Department of Finance and Administration the total
208 number of violations under each subsection for which state
209 assessments were collected in the circuit, county and justice
210 courts in such county during such month. It shall be the duty of
211 the municipal clerk of each municipality to deposit all such state
212 assessments collected in the municipal court in such municipality
213 on a monthly basis with the State Treasurer pursuant to
214 appropriate procedures established by the State Auditor. The
215 municipal clerk shall make a monthly lump-sum deposit of the total
216 state assessments collected in the municipal court in such
217 municipality under this section, and shall report to the
218 Department of Finance and Administration the total number of
219 violations under each subsection for which state assessments were
220 collected in the municipal court in such municipality during such
221 month.

222 (9) It shall be the duty of the Department of Finance and
223 Administration to deposit on a monthly basis all such state
224 assessments into the proper special fund in the State Treasury.
225 The monthly deposit shall be based upon the number of violations
226 reported under each subsection and the pro rata amount of such
227 assessment due to the appropriate special fund. The Department of

228 Finance and Administration shall issue regulations providing for
229 the proper allocation of these special funds.

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

240 **SECTION 2.** Section 99-45-9, Mississippi Code of 1972, is
241 amended as follows:

242 99-45-9. (1) The Department of Corrections shall administer
243 the automated victim notification system. The cost of
244 administering the system must be paid with appropriations made to
245 the department and from federal grants and contracts.

246 (2) There is created in the State Treasury a special fund to
247 be known as the Statewide Victims' Information and Notification
248 System Fund. The purpose of the fund shall be to provide funding
249 for the Statewide Victims' Information and Notification System.
250 Monies from the funds derived from assessments under Section
251 99-19-73 shall be distributed by the State Treasurer upon warrants
252 issued by the Mississippi Department of Corrections. The fund
253 shall be a continuing fund, not subject to fiscal-year
254 limitations, and shall consist of:

255 (a) Monies appropriated by the Legislature for the
256 purposes of funding the Statewide Victims' Information and
257 Notification System;

258 (b) The interest accruing to the fund;

259 (c) Monies received under the provisions of Section
260 99-19-73;

261 (d) Monies received from the federal government;
262 (e) Donations; and
263 (f) Monies received from such other sources as may be
264 provided by law.

265 **SECTION 3.** This act shall take effect and be in force from
266 and after July 1, 2007.