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Chapter No. 554  
12/HR12/R1511SG  
JP / CS1

***HOUSE BILL NO. 878***

Originated in House  Clerk

HOUSE BILL NO. 878

AN ACT TO AMEND SECTION 99-17-93, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ASSESSMENTS ON MOVING TRAFFIC VIOLATIONS FOR THE CHILDREN'S JUSTICE CENTER FUND, THE DUBARD SCHOOL FOR LANGUAGE DISORDERS FUND AND THE CHILDREN'S ADVOCACY CENTERS FUND, AND TO REDUCE THE AMOUNT OF CERTAIN OTHER ASSESSMENTS; TO DELETE THE ASSESSMENT FOR LITTER LAW VIOLATIONS; TO PROVIDE FOR AN ASSESSMENT ON OTHER MISDEMEANORS FOR THE MOTORCYCLE OFFICERS TRAINING PROGRAM FUND; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE MOTORCYCLE OFFICERS TRAINING PROGRAM FUND TO PROVIDE FUNDING FOR THE TRAINING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS, INCLUDING MOTORCYCLE OFFICERS TRAINING; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE CHILDREN'S ADVOCACY CENTERS FUND FOR TRAINING FORENSIC INTERVIEWERS IN CHILD ABUSE AND CHILD SEXUAL ABUSE CASES, TRAINING LAW ENFORCEMENT OFFICERS AND PROSECUTORS ABOUT CHILD ABUSE CASES, AND EXPANDING THE NUMBER OF CHILDREN'S ADVOCACY CENTERS OF MISSISSIPPI TO UNDERSERVED AREAS; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE DUBARD SCHOOL FOR LANGUAGE DISORDERS FUND TO SUPPORT THE DUBARD SCHOOL FOR LANGUAGE DISORDERS AT THE UNIVERSITY OF SOUTHERN MISSISSIPPI; TO AMEND SECTIONS 37-115-43 AND 97-15-29, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 99-19-73, as amended by House Bill No. 484, 2012 Regular Session, 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 .....	\$	<u>.85</u>
State Prosecutor Education Fund .....		<u>1.25</u>
Vulnerable Persons Training,		
Investigation and Prosecution Trust Fund .....		1.50
Child Support Prosecution Trust Fund .....		<u>.30</u>
Driver Training Penalty Assessment Fund .....		7.00
Law Enforcement Officers Training Fund .....		5.00
Spinal Cord and Head Injury Trust Fund		
(for all moving violations) .....		<u>5.45</u>
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 .....		<u>.15</u>
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
Children's Justice Center Fund .....		<u>2.21</u>
DuBard School for Language Disorders Fund .....		<u>.88</u>
Children's Advocacy Centers Fund		
<u>through June 30, 2014</u> .....		<u>1.91</u>
TOTAL STATE ASSESSMENT <u>THROUGH JUNE 30, 2014</u> .....	\$	<u>90.50</u>
<u>TOTAL STATE ASSESSMENT</u>		

FROM AND AFTER JULY 1, 2014 ..... \$ 88.59

(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 Crime 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 .....	\$ 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 .....	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
<u>Motorcycle Officer Training Fund .....</u>	<u>.75</u>

TOTAL STATE ASSESSMENT ..... \$106.75

(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
Crime 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
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(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
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(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 2.** There is created in the State Treasury a special fund to be known as the Motorcycle Officers Training Program Fund, which shall be administered by the Office of the Attorney General. The purpose of the fund shall be to provide funding for the training of state and local law enforcement officers, including, but not limited to, motorcycle officers training. All courses provided under the Motorcycle Officers Training Program shall be administered and approved by the Mississippi Law Enforcement Officers Association. Monies in the fund shall be expended by the Attorney General, 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 Motorcycle Officers Training Program;
- (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;
- (e) Donations; and
- (f) Monies received from such other sources as may be provided by law.

**SECTION 3.** There is created in the State Treasury a special fund to be known as the Children's Advocacy Centers Fund, which shall be administered by the Office of the Attorney General. The purpose of the fund shall be for training forensic interviewers in child abuse and child sexual abuse cases, training law enforcement officers and prosecutors about child abuse cases, expanding the number of Children's Advocacy Centers of Mississippi to underserved areas, and other related purposes. Monies in the fund

shall be expended by the Attorney General, 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 Advocacy Centers of Mississippi;
- (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;
- (e) Donations; and
- (f) Monies received from such other sources as may be provided by law.

**SECTION 4.** There is created in the State Treasury a special fund to be known as the DuBard School for Language Disorders 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 DuBard School for Language Disorders 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 DuBard School for Language Disorders;
- (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;
- (e) Donations; and
- (f) Monies received from such other sources as may be provided by law.

**SECTION 5.** 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 Justice 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 Justice 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 Justice 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 6.** During fiscal year 2013, the following agencies shall have the authority to receive, budget and expend the following amounts generated from the assessments enacted in House Bill No. 878, 2012 Regular Session:

University of Mississippi Medical Center for the	
Children's Justice Center .....	\$750,000.00
Board of Trustees of State Institutions of	
Higher Learning for the DuBard School	
for Language Disorders .....	\$300,000.00
Attorney General's office for the Children's Advocacy	
Centers of Mississippi .....	\$650,000.00
Attorney General's office for the Motorcycle	
Officers Training Program .....	\$50,000.00

The above listed escalations shall be done in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

**SECTION 7.** Section 97-15-29, Mississippi Code of 1972, is amended as follows:

97-15-29. (1) Anyone who shall put, throw, dump or leave on the roads and highways of this state, or within the limits of the rights-of-way of such roads and highways, or upon any private

property, any cigarette or cigar stubs, or any other thing or substance likely to ignite the grass or underbrush on a road or highway, in addition to being civilly liable for all damages caused by such act shall, upon conviction, be guilty of a misdemeanor and punished as provided by subsection (3) of this section.

(2) The Department of Transportation is authorized to erect warning signs along the roads and highways of this state advising the public of the existence of this section and of the penalty for the violation thereof and is further authorized to install receptacles at reasonable intervals along the roads and highways of this state to be used as containers for trash and rubbish and for the convenience of the public using such roads and highways.

(3) Any person found guilty of the violation of this section shall, upon conviction, be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). The proceeds of such fines shall be expended by the collecting jurisdiction solely for the purpose of funding local litter prevention programs or projects or local or school litter education programs as recommended by the statewide litter prevention program of Keep Mississippi Beautiful, Inc.

(4) As a part of the fine imposed by subsection (3) above, a person convicted for an offense upon which fines are imposed by this section may be required to perform the following, and a person convicted for a second or subsequent offense upon which fines are imposed by this section shall be required to:

(a) Remove or render harmless, in accordance with written direction, as appropriate, from the Department of Environmental Quality or local law enforcement authorities, the unlawfully discarded solid waste;

(b) Repair or restore property damaged by, or pay damages for any damage arising out of the unlawfully discarded solid waste;

(c) Perform community public service relating to the removal of any unlawfully discarded solid waste or to the restoration of any area polluted by unlawfully discarded solid waste; and

(d) Pay all reasonable investigative and prosecutorial expenses and costs to the investigative and/or prosecutorial agency or agencies.

(5) Upon a second or subsequent conviction of an offense upon which fines are imposed by this section, the minimum and maximum fines shall be doubled.

(6) When any litter is thrown or discarded from a motor vehicle, the operator of the motor vehicle shall be deemed in violation of this section.

\* \* \*

(7) \* \* \* There shall be imposed and collected an assessment of Fifty Dollars (\$50.00) on each violation of this section. The assessment shall be deposited into the Law Enforcement Officers Monument Fund created in Section 39-5-71. After the monument is constructed, the assessment shall not be deposited into the fund. The assessment shall then be deposited with the Board of Trustees of State Institutions of Higher Learning to be used for the scholarship program for children of deceased or disabled law enforcement officers and firemen as provided by Sections 37-107-1 through 37-107-9.

(8) It shall be the duty of all law enforcement officers to enforce the provisions of this section.

(9) This section shall not prohibit the storage of ties and machinery by a railroad on its right-of-way where the highway right-of-way extends to within a few feet of the railroad roadbed.

**SECTION 8.** This act shall take effect and be in force from and after July 1, 2012.

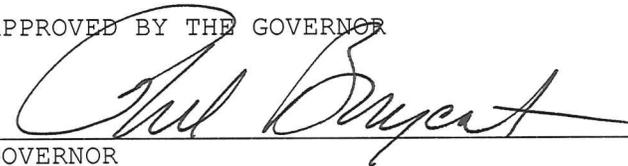
PASSED BY THE HOUSE OF REPRESENTATIVES  
May 1, 2012

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
May 1, 2012

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR  
5-22-12 4:18pm