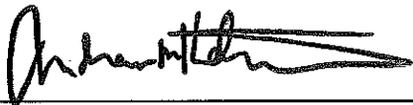


Chapter No. 512
14/HR40/R1585SG
of 1 est

HOUSE BILL NO. 579

Originated in House  Clerk

HOUSE BILL NO. 579

AN ACT TO CREATE THE JUSTICE COURT COLLECTIONS FUND TO PROVIDE SUPPORT FOR SALARIES OF JUSTICE COURT PERSONNEL AND FOR OTHER EXPENSES INCURRED WITHIN THE JUSTICE COURT SYSTEM; TO PROVIDE FOR THE ADMINISTRATION OF THE FUND; TO CREATE THE MUNICIPAL COURT COLLECTIONS FUND TO PROVIDE SUPPORT FOR SALARIES OF MUNICIPAL COURT PERSONNEL AND FOR OTHER EXPENSES INCURRED WITHIN THE MUNICIPAL COURT SYSTEM; TO PROVIDE FOR THE ADMINISTRATION OF THE FUND; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972, TO REMOVE THE REPEALER ON THE ASSESSMENT FOR THE CHILDREN'S ADVOCACY CENTERS FUND; TO PROVIDE FOR NEW ASSESSMENTS FOR THE JUDICIAL SYSTEM OPERATION FUND, THE CIVIL LEGAL ASSISTANCE FUND, THE JUSTICE COURT COLLECTIONS FUND, AND THE MUNICIPAL COURT COLLECTIONS FUND; TO REVISE THE AMOUNTS OF THE ASSESSMENTS FOR THE DRIVER TRAINING PENALTY ASSESSMENT FUND, THE CRIME VICTIMS' COMPENSATION FUND AND THE MOTORCYCLE OFFICER TRAINING FUND; TO TRANSFER FUNDS THAT ARE DEPOSITED INTO THE IGNITION INTERLOCK DEVICE FUND DURING FISCAL YEAR 2015 INTO THE DRUG COURT FUND; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) There is created in the State Treasury a special fund to be known as the Justice Court Collections Fund, which shall be administered by the Department of Revenue. The purpose of the fund shall be to provide support for salaries of justice court personnel, for the purchase, operation and

maintenance of software and equipment, for facility planning and improvement, and for other expenses incurred for the purpose of collecting fines and assessments within the justice court system. Monies in the fund shall be expended by the Department of Revenue, 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 Justice Court Collections 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.

(2) The Department of Revenue shall promulgate rules and procedures relating to the administration of the special fund and the disbursement of monies in the fund to participating counties. The Department of Revenue shall promulgate rules and procedures to insure that the justice court system of a participating county practices proper and effective collection procedures for the collection of fines and other assessments. The county may use monies from the fund to defray the costs associated with collection actions under Section 19-3-41(4) for collection of

delinquent fines and other assessments. The county shall participate in collection actions under Section 19-3-41(2) for collection of delinquent fines and other assessments in order to qualify for monies from the fund. The maximum amount that a county may receive from the special fund shall be an amount equal to the deposits made into the fund by that county, less five percent (5%) to be retained by the Department of Revenue to defray the costs of administering the special fund. Interest earned on the special fund and any additional monies deposited into the fund shall remain in the fund and shall be used for the benefit of the Department of Revenue, at the discretion of the Commissioner of Revenue.

SECTION 2. (1) There is created in the State Treasury a special fund to be known as the Municipal Court Collections Fund, which shall be administered by the Department of Revenue. The purpose of the fund shall be to provide support for salaries of municipal court personnel, for the purchase, operation and maintenance of software and equipment, for facility planning and improvement, and for other expenses incurred for the purpose of collecting fines and assessments within the municipal court system. Monies in the fund shall be expended by the Department of Revenue, 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 Municipal Court Collections 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.

(2) The Department of Revenue shall promulgate rules and procedures relating to the administration of the special fund and the disbursement of monies in the fund to participating municipalities. The Department of Revenue shall promulgate rules and procedures to insure that the municipal court system of a participating municipality practices proper and effective collection procedures for the collection of fines and other assessments. If a municipality uses its own employees to collect delinquent fines and other assessments owed to the municipality, then it may use monies from the fund to defray the costs associated with these collection actions. In addition, the governing authority of a participating municipality shall contract with a private attorney or private collection agent or agency to collect delinquent criminal fines and other assessments as provided in Section 21-17-1(6) in order to qualify for monies from the fund. The maximum amount that a municipality may receive from the special fund shall be an amount equal to the deposits made

into the fund by that municipality, less five percent (5%) to be retained by the Department of Revenue to defray the costs of administering the special fund. Interest earned on the special fund and any additional monies deposited into the fund shall remain in the fund and shall be used for the benefit of the Department of Revenue, at the discretion of the Commissioner of Revenue. Notwithstanding the preceding provision, the Department of Revenue is authorized to award excess monies in the Municipal Court Collections Fund as a grant to participating municipalities so long as the use of those funds are consistent with the purpose of the Municipal Court Collections Program.

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

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

FUND	AMOUNT
State Court Education Fund.....	\$.85
State Prosecutor Education Fund.....	1.25
Vulnerable Persons Training,	

Investigation and Prosecution Trust Fund.....	1.50
Child Support Prosecution Trust Fund.....	.30
Driver Training Penalty Assessment Fund..... * * *	<u>5.12</u>
Law Enforcement Officers Training Fund.....	5.00
Spinal Cord and Head Injury Trust Fund (for all moving violations)	5.45
Emergency Medical Services Operating Fund.....	20.00
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Mississippi Leadership Council on Aging Fund.....	1.00
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	.50
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	.15
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....	10.00
Crisis Intervention Mental Health Fund.....	10.00
Drug Court Fund, <u>through June 30, 2015</u>	<u>10.53</u>
<u>Drug Court Fund, from and after July 1, 2015</u>	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.....	2.21
DuBard School for Language Disorders Fund.....	.88
Children's Advocacy Centers Fund	
* * *	1.91
<u>Judicial System Operation Fund, through</u>	
<u>June 30, 2015</u>	<u>1.35</u>
TOTAL STATE ASSESSMENT THROUGH JUNE 30, * * * <u>2015</u> ...	\$ 90.50

TOTAL STATE ASSESSMENT

 FROM AND AFTER JULY 1, * * * 2015..... * * * \$ 88.62

(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.....	\$ * * * <u>6.92</u>
State Court Education Fund.....	1.50
State Prosecutor Education Fund.....	2.00
Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	1.50
Child Support Prosecution Trust Fund.....	.50
Law Enforcement Officers Training Fund.....	5.00
Capital Defense Counsel Fund.....	2.89
Indigent Appeals Fund.....	2.29
Capital Post-Conviction Counsel Fund.....	2.33
Victims of Domestic Violence Fund.....	.49
State General Fund.....	30.00
State Crime Stoppers Fund.....	1.50
Law Enforcement Officers and Fire Fighters Death	

Benefits Trust Fund.....	.50
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	1.00
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....	10.00
Crisis Intervention Mental Health Fund.....	10.00
Drug Court Fund.....	8.00
Judicial Performance Fund.....	2.00
Statewide Victims' Information and Notification System Fund.....	6.00
Public Defenders Education Fund.....	1.00
Domestic Violence Training Fund.....	1.00
Attorney General's Cyber-Crime Unit.....	2.50
Information Exchange Network Fund.....	4.00
Motorcycle Officer Training Fund.....	* * * <u>1.06</u>
<u>Civil Legal Assistance Fund.....</u>	<u>2.77</u>
<u>Justice Court Collections Fund.....</u>	<u>7.50</u>
<u>Municipal Court Collections Fund</u>	<u>7.50</u>
TOTAL STATE ASSESSMENT.....	\$ * * * <u>121.75</u>

(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 4. During fiscal year 2015, the following agencies shall have the authority to receive, budget and expend the

following amounts generated from the assessments enacted in Section 3 of House Bill No. 579, 2014 Regular Session:

Department of Revenue for the Justice

Court Collections Program..... \$ 500,000.00

Department of Revenue for the Municipal

Court Collections Program..... \$ 500,000.00

Attorney General's Office for the Motorcycle

Officers Training Program..... \$ 20,000.00

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 5. The State Fiscal Officer shall transfer all of the funds that are deposited into the Ignition Interlock Device Fund during fiscal year 2015 into the Drug Court Fund. This section shall stand repealed on July 1, 2015.

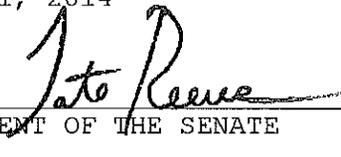
SECTION 6. This act shall take effect and be in force from and after July 1, 2014.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 1, 2014



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 1, 2014



PRESIDENT OF THE SENATE

~~APPROVED BY THE GOVERNOR~~



GOVERNOR

4/23/14

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