

STATE OF MISSISSIPPI

OFFICE OF THE STATE AUDITOR

STACEY PICKERING AUDITOR



ASSESSMENT GUIDE - ALL COURTS

JULY 1, 2012

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TABLE OF CONTENTS

	PAGE
I. INTERNET WEB SITES	3
II. STATE ASSESSMENTS AND FINE PROCEDURES	4
<u>[DESIGNED FOR ALL COURTS]</u>	
1. STATE ASSESSMENTS IN CRIMINAL CASES	4
2. STATE ASSESSMENTS IN CIVIL CASES	14
3. LOCAL AND OTHER STATE ASSESSMENTS	15
4. STATE IMPOSED FINES AND PENALTIES	19
5. REGULATION OVERVIEW –	
GOVERNING ASSESSMENTS	21
6. COURT ASSESSMENT SETTLEMENT FORMS	26
NEW DFA FORM	
NEW DPS FORM	

I. INTERNET WORLD WIDE WEB SITES

- LEGISLATIVE BILLS: <http://billstatus.ls.state.ms.us/>
- MISSISSIPPI CODE: <http://www.sos.ms.gov/images/interface/header2.jpg>
- ATTORNEY GENERAL OPINIONS: <http://www.agopin.state.ms.us>
- ETHICS COMMISSION OPINIONS:
<http://www.ethics.state.ms.us/ethics/ethics.nsf/AdvisoryOpinions?OpenForm>
- DFA TRAVEL REGULATIONS: <http://www.dfa.state.ms.us/Purchasing/Home.html>
- STATE AUDITOR'S OFFICE: www.osa.ms.gov
- ARCHIVES RECORDS: <http://mdah.state.ms.us/>
- STATE RETIREMENT SYSTEM: <http://www.pers.state.ms.us/>
- STATE OF MISSISSIPPI: <http://www.new.ms.gov/Pages/PortalHome.aspx>
- MISS. STATE PUBLICATIONS <http://msucares.com/community/governmental/>

II. STATE ASSESSMENT AND FINE PROCEDURES EFFECTIVE JULY 1, 2012 -

COURT ASSESSMENT PROCEDURES - ALL COURTS EFFECTIVE JULY 1, 2012

1. STATE ASSESSMENTS IN CRIMINAL CASES

A. STATE UNIFORM ASSESSMENTS – ALL COURTS

1. **Purpose:** These collections are sent to the state to fund various programs, such as mandatory training of court personnel.
2. **When Due:** These collections are due only when the court imposes a monetary penalty or any other penalty on any of the following types of convictions, including ordinances. (not charged if warning notice only, such as curfew, leash, etc.)
3. **Types of Violations and Assessment:**

(a) TRAFFIC VIOLATIONS SEC. 99-19-73 (1)

- (1) **Includes:** Any violation in Title 63, Miss. Code
- (2) **Excludes:** Parking or Registration; Seat Belt (Sec.63-2-7) and Sec. 63-11-1 et seq. Implied Consent Violations
- H. B. 878 (3) **Amount:** Ninety Dollars and Fifty Cents **\$ 90.50**
- Was \$ 80.00 (4) **Settlement Code:** **T V**

(b) IMPLIED CONSENT LAW VIOLATIONS SEC. 99-19-73 (2)

- (1) **Includes:** Any violation in Title 63-11-1 et seq.
- (2) **Amount:** Two Hundred Forty Three Dollars and Fifty Cents **\$ 243.50**
- H. B. 878 (3) **Settlement Code:** **I C**
- Was \$ 235.00 (4)

(c) **GAME AND FISH LAW VIOLATIONS** **SEC.99-19-73 (3)**
 (1) **Includes:** Violation of the game and fish laws or regulations
H. B. 878 (2) **Amount:** **Eighty Nine Dollars** **\$ 89.00**
Was \$ 80.00 (3) **Settlement Code:** **G F**

(d) **LITTER LAW VIOLATIONS** **SEC. 99-19-73 (4)**
 (1) **Includes:** Any violation of Section 97-15-29 or 97-15-30
 (2) **Excludes:** Any violation not under this section
H. B. 878 (3) **Amount:** **NO ASSESSMENT** **\$.00**
Was \$ 25.00 The \$ 50.00 ALA assessment must also be charged
The "Other Misdemeanor" assessment is collected.
 (4) **Settlement Code:** **S L**

(e) **TRAUMA TRAFFIC VIOLATIONS** **SEC. 99-19-73 (5)**
 (1) **Includes:** Any speeding law
 Sec. 63-3-1201 reckless driving
 Sec. 63-3-1213 careless driving
 (2) **Excludes:** Speeding less than 10 MPH
 (3) **Amount:** Speeding:
 Less than 10 MPH Zero
 10 MPH to 20 MPH Ten Dollars \$ 10.00
 20 MPH to 30 MPH Twenty Dollars \$ 20.00
 30 MPH or more Thirty Dollars \$ 30.00
 Reckless Driving Ten Dollars \$ 10.00
 Careless Driving Ten Dollars \$ 10.00
 (4) **Settlement Code:** **TT**

(f) **OTHER MISDEMEANORS** **SEC. 99-19-73 (6)**
 (1) **Includes:** All misdemeanor violations not covered elsewhere
 - ordinance violations
 - **(Litter Violation ALA in addition to this)**
 - tag violations A. G. 4/19/02
 (2) **Excludes:** (1) Traffic Violations see "a" above
 - {including "Trauma Traffic" see "e" above
 (2) Implied Consent Violations see "b" above
 (3) Game and Fish Law Violations see "c" above
 (4) Vehicular Parking and Registration
H. B. 878 (3) **Amount:** **One Hundred Six Dollars**
Was \$ 97.50 **and Seventy Five Cents** **\$ 106.75**
 (4) **Settlement Code:** **O M**

(g) OTHER FELONIES

SEC. 99-19-73 (7)

(1) **Includes:** All felony violations
(2) **Excludes:** (a), (b), & (c) above [Sec. 99-19-73 (1) (2) & (3)]
(3) **Amount:** **Two Hundred Eighty Dollars**
H.B. 878 **and Fifty Cents** **\$ 280.50**
Was \$ 272.00 (4) Settlement Code: **O F**

B. STATE COURT CONSTITUENTS ASSESSMENT SEC. 37-26-9 (4)
- ALL COURTS

1. **Purpose:** A state assessment to assist funding of court education
2. **Imposed When:** A criminal conviction and a fine of \$ 10.00
or more is imposed
3. **Amount Due:** **Fifty Cents \$.50**
4. **Settlement Code:** **C C**

C. CHILDREN'S TRUST FUND ASSESSMENT SEC. 99-19-75
- ALL COURTS

1. **Purpose:** To fund child abuse prevention programs.
2. **Imposed When:** A defendant is convicted of a violation of Section 97-3-65,
97-3-65 et seq. or 97-3-7 against a minor;
and a fine or other penalty is imposed.
3. **Amount Due:** **One Thousand Dollars \$ 1000.00**
4. **DFA Settlement Code:** **CTF**

D. RAILROAD CROSSING VIOLATION ASSESSMENT Sec. 99-19-73 (8) (a)
- ALL COURTS

1. **Purpose:** To fund the Operation Lifesaver Fund to Increase safety at railroad crossings.
2. **Imposed When:** A defendant is convicted of a violation of Section 77-9-249, 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, or 63-3-1013 and a fine or other penalty is imposed.
3. **Amount Due:** **Twenty Five Dollars \$ 25.00**
4. **DFA Settlement Code:** **RCV**

E. DRUG VIOLATION ASSESSMENT Sec. 99-19-73 (8) (b)
- ALL COURTS

1. **Purpose:**To fund the Drug Evidence Disposition Fund to cover costs to MBN for acquisition, storage, destruction, etc. of evidence related to the Uniform Controlled Substances Act.
2. **Imposed When:** A defendant is convicted of a violation of Section 41-29-139
3. **Amount Due:** **Twenty Five Dollars \$ 25.00**
4. **DFA Settlement Code:** **DV**

F. ADDITIONAL LITTERING ASSESSMENT SEC. 97-15-29
- ALL COURTS

1. **Purpose:** To fund Law Enforcement Officers Monument Fund and deceased officer's children's fund.
2. **Imposed When:** A defendant is convicted of a violation of Sec. 97-15-29.
3. **Amount Due:** **Fifty Dollars \$ 50.00**
(This is collected in addition to the State Uniform Assessments under codes OM)
4. **DFA Settlement Code:** **ALA**

**G. STATE APPEARANCE BOND FEE ASSESSMENT SEC. 83-39-31
- ALL COURTS & LAW ENFORCEMENT OFFICES**

1. **Purpose:** This assessment is sent to the state general fund
2. **Imposed When:**
 - (a) The defendant posted a bond *conditioned upon appearance at trial*.
[Bonds Include: cash bail bond, surety bail bond (from a bondsman, etc.), property bail bond, or a guaranteed arrest bond certificate]
 - (b) The defendant was released on his own recognizance, deposited his driver's license in lieu of bail, or was released after arrest on a written promise to appear, and was *required to appear* at trial.
 - (c) The defendant was released on an appeal bond, that was *conditioned for appearance*.
3. **Not Imposed When:**
 - (a) No bond was posted, *defendant was held in jail until trial*
 - (b) *Special circumstances apply*
 - (1) Traffic violation prepaid - Sec. 63-9-29
 - (2) Felony preliminary hearing, etc.- Not A Trial
 - (3) Multiple case - One Fee Per Bond
4. **When Collected:**
 - (a) **After Conviction** when a surety bail bond, property bail bond or guaranteed arrest bond certificate is posted with the court clerk.
 - (b) **After Conviction** when any type of bond (except cash bond) is taken by someone other than the court clerk, such as the sheriff.
 - (c) **In Advance**, when **Cash Bond** is taken.
(Includes Sheriff, A. G. 3-29-02)
5. **Amount:** Greater of **2 %** of bond or Twenty Dollars **\$ 20.00**
6. **Settlement Code:** **A B F**

**H. STATE VICTIMS BOND FEE ASSESSMENT SEC. 83-39-31 (7)
- ALL COURTS**

1. Purpose: This assessment is sent to the state's "Victims of Domestic Violence Fund".

2. Imposed When:

The defendant posted a bond *conditioned upon appearance at trial*.
[Bonds Include: cash bail bond, surety bail bond (from a bondsman, etc.), property bail bond, or a guaranteed arrest bond certificate]

3. Not Imposed When:

- (a) No bond was posted, *defendant was held in jail until trial*
- (b) **The defendant was released on his own recognizance, deposited his driver's license in lieu of bail, or was released after arrest on a written promise to appear, and was required to appear at trial.**
- (c) **The defendant was released on an appeal bond, that was conditioned for appearance.**
- (d) *Special circumstances apply*
 - (1) Traffic violation prepaid - Sec. 63-9-29
 - (2) Felony preliminary hearing, etc. - Not A Trial
 - (3) Multiple cases - One Fee Per Bond

4. When Collected:

After Conviction when a surety bail bond, property bail bond or guaranteed arrest bond certificate is posted with the court clerk.
[No provision to collect cash bonds in advance]

5. Amount: Ten Dollars **\$ 10.00**

6. Settlement Code: **V B F**

**I. STATE GAME AND FISH LICENSE ASSESSMENT SEC. 49-7-21 (6)
- ALL COURTS**

1. **Purpose:** A state assessment to assist funding of the Department of Wildlife, Fisheries and Parks.
2. **Imposed When:** A defendant is convicted of hunting, fishing, etc. without the required state license under Sec. 49-7-21 (3)
[includes in state and out of state residents]
3. **Amount Due:** The amount the license would have cost.
To be noted on the ticket or citation by the charging officer.
4. **Settlement Code:** *H V*

**J. STATE CRIMINAL JUSTICE FUND ASSESSMENT SEC. 97-19-67 (4)
- ALL COURTS**

1. **Purpose:** A state assessment to assist funding of the criminal justice system
2. **Imposed When:** A criminal conviction for writing a bad check results from a complaint filed by the “District Attorney’s Bad Check Unit” as provided by Sec. 97-19-79.
3. **Amount Due:** **Up to 85 %** of the face value of the bad check
4. **Settlement Code:** *C J F*
5. **Other Charges:** Sec. 97-19-79 allows the district attorney’s \$ 40.00 service charge to be added to court cost

**K. HIGHWAY PATROL CITATION ASSESSMENT
- ALL COURTS**

Sec. 63-9-31

1. **Purpose:** To fund wireless radio communications and automation of Highway Patrol Citations
2. **Imposed When:** A criminal conviction results from a citation issued by the Department of Public Safety
3. **Exceptions:** Not imposed on parking and registration convictions.
4. **Amount Due:** **Ten Dollars** **\$ 10.00**
5. **Settlement:** Collections must be settled to the Chancery Clerk or Municipal Clerk (as appropriate) for deposit with the Department of Public Safety, Comptroller's Office (Contact - Office of Public Safety Planning)

**L. ADULT DRIVERS TRAINING
- ALL COURTS**

SEC. 63-9-11

1. **Purpose:** A fee to offset the cost for the Department of Public Safety to maintain a non-public record of persons who are eligible for the program.
2. **Imposed When:** A defendant qualifies and elects to proceed with the adult drivers training option in lieu of a conviction record.
3. **Amount due:** **Ten Dollars** **\$ 10.00**
4. **Settlement Code:** **ADT**

M. DRUG AND ALCOHOL ABUSE - DRIVERS LICENSE REINSTATEMENT
ALCOHOL SEC. 63-11-30 (2) (a) DRUGS SEC. 63-1-71
- CIRCUIT COURT ONLY

1. **Purpose:** To fund alcohol or drug abuse treatment and education
2. **Imposed When:** Application is taken for relief of driver's license suspension due to hardship
3. **Amount:**

ALCOHOL		\$ 50.00
DRUGS		\$ 20.00
4. **Settlement Code:** **DA**

N. EXPUNGE ASSESSMENT - SEC. 99-19-72

- COUNTY AND CIRCUIT COURT ONLY

1. **Purpose:** To fund the State's Judicial System and District Attorney's Operation Funds
2. **Imposed When:** When a petition is filed under Section 99-19-71 to expunge a criminal conviction
3. **Total Amount:** **One Hundred and Fifty Dollars \$ 150.00**
4. **Divided:**

Paid to the Circuit Clerk for Administration		\$ 10.00
Total Assessment Settled to the State		\$ 140.00
5. **State Settlement Code:** **EXP**

[Settle Entire \$ 140.00 Under Settlement Code EXP]

O. OTHER EXCEPTIONS TO ASSESSMENTS

1. SEATBELT OFFENSE: NO state assessments for seatbelt convictions under Sec. 63-2-7 (**local assessments must be collected**, A. G. 2008-00360).
(Assessments **are charged for child restraint** violations under Sec. 63-7-301)

2. MINOR'S TRAFFIC OFFENSE WITH DEFENSIVE DRIVING:
NO assessments should be charged for **MINORS who qualify with a defensive driving course** in lieu of conviction option under Sec. 63-1-55.

[Fine, cost and assessments **ARE** charged for **ADULTS who qualify for defensive driving benefits**. This options is to avoid a conviction record only. (see Sec. 63-9-11).]

2. STATE ASSESSMENTS IN CIVIL CASES
- ALL COURTS

A. STATE COURT EDUCATION ASSESSMENT SEC. 37-26-3

- 1. Purpose:** A state assessment to fund court education
- 2. Imposed When:** Any time a civil case is filed for \$15.00 or more
- 3. Amount Due:** On each case filed - Two Dollars **\$ 2.00**
- 4. Settlement Code:** *S C E F*

B. STATE COURT CONSTITUENTS ASSESSMENT SEC. 37-26-9 (4)

- 1. Purpose:** A state assessment to assist funding of court education
- 2. Imposed When:** Any time a civil case is filed for \$15.00 or more
- 3. Amount Due:** On each case filed - Fifty Cents **\$.50**
- 4. Settlement Code:** *C C*

C. DOMESTIC VIOLENCE PROTECTIVE ORDER FORM FEE SEC. 93-21-7

- 1. Purpose:** A fee to fund the cost to the Attorney General for providing protective order forms.
- 2. Imposed When:** A protective order is issued prior to July 1, 2009.
- 3. Amount Due:** On each order - One Dollar **\$ 1.00**
- 4. Settlement Code:** **POF**

[This fee was deleted. Funding for the Attorney General's Domestic Violence Division is now provided by the state distributing a share of uniform assessment collections to that purpose (there is no new separate uniform assessment for this purpose).]

3. LOCAL AND OTHER STATE ASSESSMENTS

A. COUNTY LAW LIBRARY ASSESSMENT (optional) SEC. 19-7-31 - ALL COURTS

- 1. Purpose:** To fund the county law library
- 2. Imposed When:** The Board of Supervisors and Municipal Boards/Councils *may* impose this assessment to defray the cost of operating the county law library.
- 3. Amount Due:** **Up to \$ 1.50** for each criminal conviction and civil case in Justice or Municipal Court.

Up to \$ 2.50 for each criminal conviction and civil case Filed in Chancery, County or Circuit Court.
- 4. Disposition:** Settled to the Chancery Clerk (municipalities, through Municipal Clerk) for deposit into the Law Library Fund

B. CRIME STOPPERS ASSESSMENT (optional) SEC. 45-39-17 - ALL CRIMINAL COURTS

- 1. Purpose** To fund local crime stopper programs
- 2. Imposed When:** The Board of Supervisors and Municipal Board/Council (by ordinance) *may* impose this assessment to fund local crime stopper programs. Defendant is convicted of a Misdemeanor.
- 3. Exceptions:** Not imposed on parking and registration convictions.
- 4. Amount Due:** Up to **\$ 2.00** for each criminal Misdemeanor Conviction
- 5. Disposition:** Settled to the Chancery Clerk/Municipal Clerk for deposit to the Department of Public Safety's Comptroller's Office (Contact - Office of Public Safety Planning)

**C. LOCAL CITATION ASSESSMENT
- ALL CRIMINAL COURTS**

Sec. 63-9-31

- 1. Purpose:** An assessment to assist funding of wireless radio communications
- 2. Imposed When:** The Board of Supervisors and Municipal Boards/Councils may impose this assessment on criminal convictions resulting from citations issued by the county law enforcement officers (sheriff, constable, etc.)
- 3. Amount Due:** **Up To \$ 10.00**
- 4. Settlement:** Collections must be settled to the Chancery Clerk/Municipal Clerk For deposit with the Department of Public Safety's Comptroller's Office (Contact - Office of Public Safety Planning)

D. JURY TAX SEC. 9-7-133

- 1. Purpose:** County General Fund Support (Juror Pay)
- 2. Imposed When:**
 - (a) A plea is filed on an original suit IN CIRCUIT & COUNTY COURT
 - (b) Transfer or appeal of suit TO CIRCUIT & COUNTY COURT
 - (c) See A. G. Opinion to Philip Warren, February 16, 1983
- 3. Collected in Circuit Court:** By Circuit Clerk
- 4. Amount:**
 - (a) On every issue tried separately 2a above Three Dollars \$ 3.00
 - (b) On 2b above Two Dollars \$ 2.00
 - (c) Not charged in county court unless an issue joined (Section 9-13-63).

**E. COURT REPORTER'S FEE SEC. 9-13-21 and SEC. 9-13-63
- CHANCERY AND CIRCUIT COURTS**

- 1. Purpose:** County General Fund Support
- 2. Imposed When:** Plea or answer is filed and the court reporter serves in Chancery, Circuit or County Court
- 3. Amount:** Ten Dollars \$ 10.00 in Chancery and Circuit Court

**F. COURT REPORTER'S FEE SEC. 9-13-63
- COUNTY COURT**

- 1. Purpose:** County General Fund Support
- 2. Imposed When:** A case is filed in County Court and an issue joined and testimony taken
- 3. Amount:** One Dollar \$ 1.00 if case would have been in justice court if there was no county court.

Two Dollars \$ 2.00 in cases appealed to county court

Three Dollars \$ 3.00 if case would have been filed in circuit or chancery court

**G. POLICE DEPARTMENT ASSESSMENT SEC. 63-9-33
[Optional for Municipalities with a population of 15,000 or more.]**

- 1. Purpose:** To fund computerized crime prevention.
- 2. Imposed When:** **When imposed by the municipal board (by ordinance procedure).**
- 3. Amount Due:** Up to One Dollar (\$ 1.00) when there is a violation of Title 63 or parking or registration.
- 4. Settlement:** Settled to the Municipal Clerk for deposit into a special fund to be budgeted by the board/council.

H. DOMESTIC VIOLENCE ASSESSMENT **SEC. 25-7-13 (I)**
[Circuit Clerks Only]

1. **Purpose:** A state assessment to assist funding of the State's Victims of Domestic Violence Fund
2. **Imposed When:** An application for marriage license is filed and recorded
3. **Amount Due State: On Each Application - Fourteen Dollars** **\$ 14.00**

[Note: The circuit clerk collects a total of twenty one dollars for taking an application. Six dollars is retained as a clerk's fee for each application. The additional one dollar is a fee for vital statistics services. Vital Statistics Fees are settled to the county and repaid to the clerk according to Sec. 41-57-48 (5).]

4. **Settlement Code:** **DVF**

**I. OTHER CHANCERY AND CIRCUIT COURT CLERK ONLY FEES
TO BE SETTLED TO THE STATE - SECTIONS 25-7-9 & 25-7-13**
[Included on state's Court Assessment/Fine Settlement Form]

1. **Comprehensive Electronic Court System** **CEC**
2. **Civil Legal Assistance Fund** **CLA**
3. **Judicial System Fund** **JSF**

J. OTHER LOCAL SPECIAL ASSESSMENTS

There are *no other statutory or special assessments*. Other assessments may be imposed only by local and private legislation. This list does not include fees earned by Chancery or Circuit Clerks or any other costs of court.

**4. STATE IMPOSED FINES AND PENALTIES
- All Courts**

**STATE IMPOSED FINE AND CIVIL PENALTIES FOR
COMPLUSORY MOTOR VEHICLE LIABILITY INSURANCE**

A. CRIMIAL FINE

1. **Imposed By:** Section 63-15-4
2. **Imposed when:** **A person is convicted of operating a motor vehicle without an insurance card. May not charge if defendant is charged with civil penalty.**
3. **Amount Due**
 - a. **\$ 500.00 if no insurance is obtained by court or payment date.**
 - b. **\$ 100.00 if insurance is obtained by court or payment date.**
 - c. **Judge may suspend any portion of the fine.
(See A. G. Opinion Robert W. Lawrence - 2/9/01)**
4. **Settlement Requirement:**
 - a. **State Share: One Half (50 %) of the fine collected must be settled to the state.**
 - b. **County or Municipal Share: One Half (50 %) of the fine collected must be settled to the respective county or municipality. The money is settled as with other general fine collections, to the General Fund of the county or municipality**
5. **DFA Settlement Code:** MVL

[Note: Should report to the Department of Public Safety (as directed) all cases where the defendant does not show "proof of insurance". Section 63-15-4 (4) requires suspension of the license for one year or until the owner of the vehicle shows proof of liability insurance.]

B. CIVIL PENALTY - STILL SUBJECT TO LEGAL CLARIFICATION

1. **Imposed By: SENATE BILL 2631, SECTION 7**
(Portions effective 7/1/12 & 7/1/13) (Code Sections to be Assigned)
2. **Imposed When: Owner of Motor Vehicle Operated on Public Roads, etc.**
Does Not Have Sec. 63-15-3 (j) Minimum Insurance.

[May not convict a person of a Section 63-15-4 (4) criminal penalty if convicted of a civil penalty (same incident).]

3. **Civil Penalty Amount:**

Commissioner of Public Safety, Commissioner of Revenue, or Court shall suspend vehicle registration and/or the owner's or operator's driving privileges; and shall impose a civil penalty.

[It appears this penalty is collected by the municipal court clerk.]

\$ 300 first conviction
\$ 400 second conviction
\$ 500 third or subsequent conviction

The civil penalty may not be reduced or suspended by a court.

License or registration may not be reinstated until owner has insurance and paid the civil penalty.

4. **Settlement Requirement:**
 - a. **Civil Penalty payable to the State.**
 - b. **If appeal to the court: \$ 100.00 of the civil penalty is payable to the County/Municipal General Fund.**

[It appears the court clerk collects the entire civil penalty and divides the collection between the state and municipality; if the case is decided in the court.]

5. **Settlement Code: UNINSURED MOTORIST IDENTIFICATION UMI**

[This is the settlement code from the Department of Finance and Administration for the civil penalty (not the criminal fine). Collected in All Criminal Courts

5. REGULATION OVERVIEW GOVERNING ASSESSMENTS

A. **APPLYING ASSESSMENTS** - There is *no authority to suspend* assessments

B. **COLLECTION OF ASSESSMENTS**

1. **Who Collects:** *Court Clerks:*

[Examples: Justice Court (Sec. 9-11-19) & Municipal court (Sec. 21-23-11)]

2. **How Collected:**

(a) **Cash**

(b) **Check** from a Miss. resident paying a Title 63 Ch. 3, 5, or 7 traffic violation (required by Sec. 63-9-12)

Clerk not responsible for this bad check if reasonable collection effort is made, such as suspending driver's license

(c) **Other check, money order, etc.**

(1) Clerk is responsible for bad collections, accepted at personal risk. (Suggest do not deliver receipt or process until clear)

(2) If bad check received, Sec. 97-19-57 explains the procedure for notification to the defendant that a check has been dishonored and authorizes a \$ 40.00 service charge

(d) **Working assessments off** may be authorized by the court, Sec. 47-1-47 & Sec. 99-19-20 (A.G. Priscilla Daniel 10/3/90).

The counties and municipalities do not reimburse the state for the loss.

(The county also does not pay the constable for his loss.

See A. G. Opinion Sue Gann, 9/11/91)

3. **PARTIAL COLLECTIONS**

(a) Partial payments are classified as assessments based on judge's "order of collection policy" (A. G. Brown, 9/25/86). However, Section 25-7-27 (2) requires constables be paid from first collections.

(b) Partial collections must be settled monthly.

Do Not Hold Until Totally Collected.

C. ACCOUNTING FOR ASSESSMENTS

1. **Receipts** - must use prescribed written or computer generated (Sec. 75-12-13) form, Sec. 9-11-21
2. **Settlement Reports** - bank deposits must be made (daily) Sec. 25-1-72 & 21-15-21
3. **Accounting Funds**
 - (a) Criminal assessments must be accounted for within the "**Criminal Account**" and civil assessments must be accounted for within the "**Civil Account**" in appropriate courts.
 - (b) Cash Bond Appearance Bond Fees collected in advance must be held in the "**Clearing Account**" along with the bond until a determination of guilty, not guilty, dismissed, or nolle prosequi.
 - (c) The Chancery Clerk & Municipal Clerk must maintain a "**State Assessment Clearing Fund**" to account for settled funds.
4. **Accounting Records** - must be prepared by the Justice Court Clerk and Chancery Clerk in accordance with "*County Financial Accounting Manual*" and Municipal Clerks in accordance with the "*Municipal Audit and Accounting Guide*" (find at: <http://www.osa.ms.gov/downloads.htm>) and these regulations.
(See **Dept. of Archives and History** for record disposal requirements <http://www.mdah.state.ms.us/recman/countiesinf.php>)
5. **State Settlement Codes** - must be used to account for assessments.

DFA Settlement Codes: The Court Clerks must determine and provide the settlement codes to the Chancery/Municipal Clerk for settlements to be made to the State Department of Finance (DFA), these codes are listed on settlement forms provided to the Chancery/Municipal Clerk by DFA.

DPS Settlement Descriptions: The Court Clerks must also determine and provide the description codes to the Chancery/Municipal Clerk for settlements to be made to the State Department of Public Safety (DPS), these description codes are listed on settlement forms provided to the Chancery/Municipal Clerks by DPS.

Old Law Assessment Codes: Old case (cases prior to 10/1/90) assessment collections must be reclassified by type of violation, and accounted for using the proper settlement code.

Code Training: Settlement codes prescribed by DFA and mailed to the Chancery/Municipal Clerks will be provided to the Court Clerks by the State Auditor's Office.

D. SETTLEMENT OF ASSESSMENTS

1. **Daily Settlement:** The Court Clerks must settle all assessment collections to the county treasury daily, required by Sec. 25-1-72 & 21-15-21

2. **Monthly Settlement:**

Routine Collections: The Chancery/Municipal Clerks must settle court assessments to the state and county funds monthly. The Justice Court Clerks must report all *Fees, costs, fines, penalties and bond forfeitures* to the Chancery/Municipal Clerk, who in turn must submit such report to the Board of Supervisors monthly as required by Sec. 9-11-19. The Chancery/Municipal Clerks must make monthly settlement of *assessments* to the state as required by Sec. 99-19-73 (9)

Other Collections: Collections pending determination should be held until resolutions. For example, prepaid appearance bond fees should be held until the court guilty/innocent decision is made; or the prosecutor determines a refund is due.

3. **Settlement Forms**

The *attached* settlement forms must be used by the Court clerks to define state settlements to the Chancery/Municipal Clerk. This is so the Chancery/Municipal Clerk will have the information to settle collections for the state to the proper state agency.

DFA Form: This form is prescribed by the Department of Finance and Administration (**DFA**) for settlement of assessments. The form will be updated as changes and new settlement codes are required.

DPS Form: This form will be prescribed by the Department of Public Safety's Comptroller's Office for settlement of certain special assessments it accounts for and returns to the county, such as for local citations and crime stopper assessments. This form will also be updated as required.

Preparation of Forms: These are "fill in the blank" forms that include instructions for mailing and making contact for assistance.

If a settlement cannot be neatly and completely made on the form (without change), contact should be made as instructed (something is wrong).

E. REFUND OF ASSESSMENTS

1. **Who Authorizes Refunds:** Court Clerks must authorize a refund when any of the following conditions occur.
 - (a) Over payments have been made due to **collection error**,
 - (b) **court order** directs,
 - (c) convictions have been **overturned upon appeal**,
 - (d) or in the case of an advance **appearance bond fee** payment, when the prosecutor enters a **nolle prosequi or retires the case to the file**.

2. **How Refunds Are Authorized:** The Court Clerks must authorize all refunds by following the "**Certificate of Eligibility**" procedure.

3. **Certificates of Eligibility Procedure:** This procedure is: the Court Clerk must prepare, distribute and account for all Certificate of Eligibility forms issued as prescribed and regulated by the State Auditor (Sec. 99-19-73 & 83-39-31).
 - (a) The "**Certificates of Eligibility**" form is a mandatory document. This form is issued by the Court Clerk to the person to be refunded. A copy must also be issued to the Chancery/Municipal Clerk if he/she is to make the refund.
 - (b) The Certificate of Eligibility form must contain specific information. The form must be **written, signed and include the date, case number, payee, amount due and reason for the refund**. Written and signed may be electronic when appropriate (Sec. 75-12-13).
 - (c) Copies of all issued "certificates of eligibility" must be **maintained as a record** by the Court Clerks; and the Chancery/Municipal Clerks when a refund is made.

4. Who Must Make Refunds:

- (a) The Chancery/Municipal Clerk refunds collections authorized by “*certificates of eligibility*”. These clerks must maintain copies of all certificates received.
- (b) The Court Clerks may refund **funds held in their clearing account**, such as prepaid Appearance Bond Fees, cash bonds and money collected in error.
- (c) The Justice Court Clerk may refund **funds held in criminal and civil accounts**, if a refund is due to collection error and the related collection has not been settled to the Chancery Clerk.

5. Source of Refunds

- (a) Refunds must be made from the funds the original money was settled into; example: uniform assessments from the “State Assessment Clearing Fund”
- (b) If assessment money has already been settled to the state, refunds are made from later similar collections. For large settled refunds: contact DFA.

- 6. Board Orders:** Board orders are *not required* for refunds of state assessments held in the “State Assessment Clearing Fund”. A board order *is required* to authorize refunds of court cost, fines or special assessments received into county/municipal budgeted funds (this procedure may be used to support their claims).

6. COURT ASSESSMENT SETTLEMENT FORMS:

**A. DEPARTMENT OF FINANCE AND ADMINISTRATION
PRESCRIBED COURT ASSESSMENT/FINE SETTLEMENT FORM**

Use as directed in regulations Section 5 of this guide.

**B. DEPARTMENT OF PUBLIC SAFETY
PRESCRIBED COURT ASSESSMENT SETTLEMENT FORM**

Use as directed in regulations Section 5 of this guide.

**C. THESE FORMS AND THEIR SETTLEMENT PROCEDURES
ARE FOLLOWING THIS HEADING**

COURT ASSESSMENT/FINE SETTLEMENT FORM

Submit to Department of Finance and Administration

COUNTY **OR** MUNICIPALITY OF: _____
 FOR THE MONTH & YEAR OF: _____

ASSESSMENT /FINE CODES	CITY COURT	CIRCUIT/ COUNTY COURT	JUSTICE COURT	CHANCERY COURT	TOTAL	ASSESSMENT /FINE CODES
SCEF						SCEF
TV						TV
IC						IC
GF						GF
SL						SL
TT						TT
OM						OM
OF						OF
ABF						ABF
VBF						VBF
DVF						DVF
CJF						CJF
CC						CC
DA						DA
HV						HV
MVL						MVL
ADT						ADT
CTF						CTF
CEC						CEC
CLA						CLA
ALA						ALA
RCV						RCV
DV						DV
EXP						EXP
JSF						JSF
UMI						UMI
TOTAL						

REPORT SUBMITTED BY: _____ DATE OF REPORT: _____
 TELEPHONE NUMBER: _____

An Explanation and the Assessment and Fine Codes are defined on the back of this form.

REVISED BY DFA July 1, 20XX Changes in anticipation of DFA Form format

EXPLANATION OF STATE ASSESSMENT/FINE FORM

1. This form was designed by the State Auditor's Office to be used in the settlement of court assessments and fines. The form should be processed as follows:
 - (A) All assessments and applicable fines should be settled monthly.
 - (B) The form should show the total from each type of assessment and fine and the court making the assessment and/or fine.
 - (C) **One** check should accompany the settlement and be payable to "State Treasurer".
 - (D) The completed form and check should be mailed to:

Department of Finance and Administration
Office of Budget and Accounting
P. O. Box 267, Jackson, MS 39205

2. Questions regarding this form should be directed to:

Department of Finance and Administration 601-359-3402
State Auditor's Office 1-800-321-1275 or 601-576-2657

3. The assessment and fine codes shown on the form are defined as follows:

(1)	SCEF	- State Court Education Fund	- SEC. 37-26-3
(2)	TV	- Traffic Violations	- SEC. 99-19-73 (1)
(3)	IC	- Implied Consent Law Violations	- SEC. 99-19-73 (2)
(4)	GF	- Game and Fish Law Violations	- SEC. 99-19-73 (3)
(5)	SL	- Litter Law Violations	- SEC. 99-19-73 (4)
(6)	TT	- Trauma Traffic	- SEC. 99-19-73 (5)
(7)	OM	- Other Misdemeanors	- SEC. 99-19-73 (6)
(8)	OF	- Other Felonies	- SEC. 99-19-73 (7)
(9)	ABF	- Appearance Bond Fee	- SEC. 83-39-31
(10)	VBF	- Victims Bond Fee	- SEC. 83-39-31 (7)
(11)	DVF	- Domestic Violence Fund	- SEC. 25-7-13
(12)	CJF	- Criminal Justice Fund	- SEC. 97-19-67
(13)	CC	- Court Constituents Fund	- SEC. 37-26-9
(14)	DA	- Drug Abuse/Drivers License Reinstatement	- SEC. 63-1-71 / SEC. 63-11-30
(15)	HV	- Hunting Violation Fee	- SEC. 49-7-21
(16)	MVL	- Compulsory Motor Vehicle Liability Insurance	- SEC. 63-15-4
(17)	ADT	- Adult Driver Training	- SEC. 63-9-11
(18)	CTF	- Mississippi Children's Trust Fund	- SEC. 99-19-75
(19)	CEC	- Comprehensive Electronic Court Systems	- SEC. 25-7-9 / 25-7-13
(20)	CLA	- Civil Legal Assistance Fund	- SEC. 25-7-9 / 25-7-13
(21)	ALA	- Additional Littering Assessment	- SEC. 97-15-29
(22)	RCV	- Railroad Crossing Violation	- SEC. 99-19-73 (8) (a)
(23)	DV	- Drug Violation	- SEC. 99-19-73 (8) (b)
(24)	EXP	- Expunge Assessment	- SEC. 99-19-72
(25)	JSF	- Judicial System Fund	- SEC. 25-7-9 (3)(b) / 25-7-13 (1)(d)
(26)	UMI	- Uninsured Motorist Identification	- Sec. 7, S.B. 2631, 2012 Sess.

**COURT ASSESSMENT SETTLEMENT FORM
MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY**

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SPECIAL ASSESSMENTS

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Submit to: **Mississippi Department of Public Safety
Comptroller's Office
Post Office Box 958
Jackson, Mississippi 39205-0958**

COUNTY **OR** MUNICIPALITY OF: _____
FOR THE MONTH & YEAR OF: _____

	COUNTY OR CITY CODE	CITY COURT	CIRCUIT/ COUNTY COURT	JUSTICE COURT	CHANCERY COURT	TOTAL ASSESTS COLLECTED	LESS 1% ADMIN. FEE <i>(For DPS use only)</i>	TOTAL PARTICIPANT DEPOSIT <i>(For DPS use only)</i>
WCA-MHP <i>M.C.A. §63-9-31</i>	900							
WCA-LOCAL <i>M.C.A. §63-9-31</i>								
SUB-TOTAL FOR ALL WCA COLLECTIONS DPS FUND 3747								
CSLPA <i>M.C.A. §45-39-17</i> (CRIME STOPPERS)								
SUB-TOTAL FOR ALL CSLPA COLLECTIONS DPS FUND 3748								
TOTAL WCA AND CSLPA COLLECTIONS COMBINED								

DATE REPORT SUBMITTED:

SUBMITTED BY: _____ TITLE:

TELEPHONE NUMBER: _____ FAX:

Codes and An Explanation of State Assessments are defined on the back of this form.

REVISED BY MDPS July 1, 2012 / special assessments.wpd [As Anticipated by the State Auditor's Office]

ASSESSMENT CODES

The assessment codes shown on the form are defined as follows:

- (1) **WCA-MHP** - Wireless Communications Assessment (DPS FUND 3747) - *Miss. Code §63-9-31*
(*Mississippi Highway Patrol-Title 63 Citations-Code will be 900*)
(*Municipalities will normally not show an amount on this line unless adjudicated in a municipal court*)
- (2) **WCA-LOCAL** - Wireless Communications Assessment (DPS FUND 3747) - *Miss. Code §63-9-31*
(*All Other Title 63 Citations*)
- (3) **CSLPA** - Crime Stoppers Local Program Assessment (DPS FUND 3748) - *Miss. Code §45-39-17*

EXPLANATION OF STATE ASSESSMENT/FINE FORM

1. This form was designed by the Mississippi Department of Public Safety to be used in the settlement of the Mississippi Department of Public Safety Special Assessments. The form should be processed as follows:

- (A) All Municipal Court Clerks and/or Chancery Court Clerks, when sending in the first settlement or by separate transmission to the Mississippi Department of Public Safety, need to include a *certified copy* of the Board Order or Minutes imposing the assessments listed above.
- (B) All assessments and applicable assessments should be settled monthly.
 - 1) JUSTICE COURT CLERKS WILL NEED TO SETTLE TO THE CHANCERY CLERK WITH COURT ASSESSMENT FORM FOR CHECK ISSUANCE FROM COUNTY TO MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY.
 - 2) MUNICIPAL COURT CLERKS WILL NEED TO SETTLE TO THEIR MUNICIPAL CLERK WITH COURT ASSESSMENT FORM FOR CHECK ISSUANCE FROM CITY TO MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY.
- (C) Please use the following steps to complete the form.
 - 1) Place county or city code in correct column.
 - 2) Place collected amount under your properly represented court column.
 - 3) List total assets collected.
 - 4) Sub-total each column for WCA Collections.
 - 5) Sub-total each column for CSLPA Collections.
 - 6) ADD sub-total of the WCA Collections and the sub-total for CSLPA Collections to get a total amount for Collections for mailing.
 - 7) Mail to the Mississippi Department of Public Safety at address listed below.

The form should show the total from each type of assessment and the court making the assessment.

- (D) **One** check should accompany the settlement and be payable to *“Mississippi Department of Public Safety”*. Please break down the total amount being deposited into Fund 3747 and the total amount being deposited into Fund 3748.
- (E) The completed form and check should be mailed to:

**Mississippi Department of Public Safety
Comptroller's Office
Post Office Box 958
Jackson, Mississippi 39205-0958**

2. Questions regarding this form should be directed to:
Mississippi Department of Public Safety Comptroller's Office (601) 987-1453, or;
Specific questions with Crime Stoppers Local Program Assessment should be directed to the Mississippi Department of Public Safety Crime Stoppers Division Office (601) 977-3713.