

**CITY OF GAUTIER  
MEMORANDUM**

**To:** Samantha Abell, City Manager  
**From:** Danny Selover, Police Captain *He*  
**Through:** Dante Elbin, Chief of Police  
**Date:** March 24, 2016  
**Subject:** Surcharge for traffic violations

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**REQUEST:**

The Gautier Police Department is seeking authorization from the Mayor and City Council to impose a (\$10.00) ten dollar surcharge, in addition to all other monetary penalties set by law, on *traffic citations*, except those related to *vehicular parking or registration*.

**BACKGROUND:**

The Mississippi Code (63-9-31) allows a (\$10.00) ten dollar surcharge for all *traffic offenses*, except *vehicular parking or registration*, if the municipality participates in a wireless radio communication program. The monies are collected by the City Court and deposited into a special fund in the Department of Public Safety's Office. The City of Gautier will incur a 1% fee, which will be retained by the Office of Public Safety, to defray cost for administering the special fund. The Gautier Police Department will receive a check once a year for the amount of deposits placed into the special fund account.

**DISCUSSION:**

The program has proven successful for the surrounding law enforcement agencies. The Gautier Police Department will use the surcharge fund to assist the city in purchasing wireless radio communication devices, such as, E-tickets, portable radios and mobile radios.

**RECOMMENDATION:**

The Gautier Police Department recommends the City Council approve a (\$10.00) ten dollar surcharge on *traffic offenses*, which will be deposited into the special fund in the Department of Public Safety Office of Public Safety Planning.

**ATTACHMENTS:**

Mississippi Code Annotated 63-9-31

**Miss. Code Ann. § 63-9-31**

*Miss. Code Ann. § 63-9-31*

MISSISSIPPI CODE of 1972

\*\*\* This document is current through HB 1, 2016 1st Extraordinary Session \*\*\*

TITLE 63. MOTOR VEHICLES AND TRAFFIC REGULATIONS  
CHAPTER 9. TRAFFIC VIOLATIONS PROCEDURE

Miss. Code Ann. § 63-9-31 (2016)

§ 63-9-31. Additional surcharge for traffic violations to fund automation of citations issued by Highway Safety Patrol and wireless radio communications programs.

(1) In addition to any other monetary penalties and other penalties imposed by law, any county, municipality or the Pearl River Valley Water Supply District Patrol which participates in a wireless radio communications program approved by the applicable governing authorities may assess an additional surcharge in an amount not to exceed Ten Dollars (\$ 10.00) on each person upon whom a court imposes a fine or other penalty for each violation of Title 63, Mississippi Code of 1972, except offenses relating to vehicular parking or registration. On all citations issued by Mississippi Highway Safety Patrol officers, a surcharge in the amount of Ten Dollars (\$ 10.00) shall be collected by the court and deposited as provided in subsection (2) of this section. The proceeds from the surcharge on citations issued by county and municipal law enforcement officers or the Pearl River Valley Water Supply District Patrol may be used by a county or municipality only to fund that county's or municipality's or the Pearl River Valley Water Supply District Patrol's participation in the wireless radio communications program by funding public safety wireless communications systems and related computer and communications equipment. The proceeds from the surcharge on citations issued by Mississippi Highway Safety Patrol officers shall be used as provided in subsection (2) of this section. All proceeds from the surcharge imposed by this subsection shall be deposited into a special fund in the Department of Public Safety's Office of Public Safety Planning. The Office of Public Safety Planning shall promulgate rules and procedures relating to the administration of the special fund and the disbursement of monies in the fund to participating governmental entities. The maximum amount that a governmental entity may receive from the special fund shall be an amount equal to the deposits made into the fund by that entity, less one percent (1%) to be retained by the Office of Public Safety Planning to defray the costs of administering the special fund. Interest earned on the special fund shall remain in the fund and shall be used by the Office of Public Safety Planning to further defray the costs of administering the special fund.

(2) Deposits into the special fund resulting from citations issued by the Mississippi Highway Safety Patrol shall be utilized as follows: Fifty percent (50%) of the deposits into the special fund shall be used to automate the citations issued by Mississippi Highway Safety Patrol officers (including the transmittal of citations to the justice court, retrieval of the disposition from the justice court, and updating the driver's records) and fifty percent (50%) of the deposits into the special fund shall be used for the purpose of funding wireless communications and related computer equipment and computer software, subject to the approval of the Mississippi Department of Information Technology Services.

(3) Approval of a wireless radio communications program must be given by the applicable governing authorities when:

(a) The program includes the sharing of support facilities including, but not limited to, towers, shelters and microwave by participating entities; or

(b) The program includes the establishment of a mutual aid system using common radio frequency channels between participating entities; or

(c) The program sets forth a feasible methodology that utilizes the radio frequency spectrum in an efficient manner.

(4) Participating counties, municipalities, the Pearl River Valley Water Supply District Patrol and the Mississippi Highway Safety Patrol must provide notification of facilities available for interoperability to the Mississippi Department of Information Technology Services annually.

(5) Counties and municipalities and the Pearl River Valley Water Supply District Patrol participating in a wireless radio communications program and the Mississippi Highway Safety Patrol must comply with competitive bidding requirements prescribed in Section 31-7-13 and are encouraged to utilize an open architecture, nonproprietary system.

**HISTORY:** SOURCES: Laws, 2001, ch. 569, § 12; Laws, 2002, ch. 486, § 1; Laws, 2004, ch. 441, § 1; Laws, 2006, ch. 311, § 1; Laws, 2008, ch. 522, § 1, eff from and after July 1, 2008.