

By: Representative Moak

To: Transportation

HOUSE BILL NO. 231

1 AN ACT TO AMEND SECTION 63-9-11, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE CERTAIN PERSONS ISSUED SPEEDING TICKETS TO SUCCESSFULLY
3 COMPLETE A DEFENSIVE DRIVING COURSE IN LIEU OF PAYING A FINE OR
4 BEING IMPRISONED; TO AMEND SECTIONS 63-9-17 AND 63-9-21,
5 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT RECORDS OF SUCH SPEEDING
6 VIOLATIONS SHALL BE CONFIDENTIAL; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 63-9-11, Mississippi Code of 1972, is
9 amended as follows:

10 63-9-11. (1) It is a misdemeanor for any person to violate
11 any of the provisions of Chapters 3, 5, or 7 of this title, unless
12 such violation is by such chapters or other law of this state
13 declared to be a felony.

14 (2) Except as otherwise provided under subsection (3) of
15 this section, every person convicted of a misdemeanor for a
16 violation of any of the provisions of such chapters for which
17 another penalty is not provided shall, for first conviction
18 thereof, be punished by a fine of not more than One Hundred
19 Dollars (\$100.00) or by imprisonment for not more than ten (10)
20 days; for a second such conviction within one (1) year thereafter,
21 such person shall be punished by a fine of not more than Two
22 Hundred Dollars (\$200.00) or by imprisonment for not more than
23 twenty (20) days or by both such fine and imprisonment; upon a
24 third or subsequent conviction within one (1) year after the first
25 conviction, such person shall be punished by a fine of not more
26 than Five Hundred Dollars (\$500.00) or by imprisonment for not
27 more than six (6) months or by both such fine and imprisonment.

28 (3) Except as otherwise provided in this subsection,

29 whenever a person is charged with any violation of Sections
30 63-3-501 through 63-3-505, 63-3-509 or 63-3-513 through 63-3-516,
31 the court shall allow the party charged, in his discretion, to
32 participate in a defensive driving course approved by the judge.
33 Upon successful completion of the defensive driving course within
34 a specified time frame established by the court, the party's case
35 shall be retired to the file and the fines and imprisonment
36 authorized under subsection (2) of this section shall not be
37 imposed. This subsection shall not apply to a person subsequently
38 charged with any violation of Sections 63-3-501 through 63-3-505,
39 63-3-509 or 63-3-513 through 63-3-516 within a period of seven (7)
40 years after the first charge against that person.

41 SECTION 2. Section 63-9-17, Mississippi Code of 1972, is
42 amended as follows:

43 63-9-17. (1) Every court shall keep a full record of the
44 proceedings of every case in which a person is charged with any
45 violation of law regulating the operation of vehicles on the
46 highways, streets or roads of this state.

47 (2) Unless otherwise sooner required by law, within
48 forty-five (45) days after the conviction of a person upon a
49 charge of violating any law regulating the operation of vehicles
50 on the highways, streets or roads of this state, every clerk of
51 the court in which such conviction was had shall prepare and
52 immediately forward to the Department of Public Safety an abstract
53 of the record of the court covering the case in which the person
54 was so convicted, which abstract must be certified by the person
55 so authorized to prepare the same to be true and correct.

56 (3) The abstract shall be submitted upon a form approved by
57 the Department of Public Safety, and shall include the name and
58 address of the party charged, the registration number of the
59 vehicle involved, the nature of the offense, the date of hearing,
60 the plea, the judgment, and if the fine was satisfied by
61 prepayment or appearance bond forfeiture, and the amount of the

62 fine or forfeiture, as the case may be.

63 (4) Every clerk of the court shall also forward a like
64 report to the Department of Public Safety upon the conviction of
65 any person of manslaughter or other felony in the commission of
66 which a vehicle was used.

67 (5) The failure by refusal or neglect of any such judicial
68 officer to comply with any of the requirements of this section
69 shall constitute misconduct in office and shall be grounds for
70 removal therefrom.

71 (6) The Department of Public Safety shall keep copies of all
72 abstracts received hereunder for a period of three (3) years at
73 its main office. Except as otherwise provided in subsection (7)
74 of this section, the abstracts and records shall be open to public
75 inspection during reasonable business hours.

76 (7) Whenever a person charged with any violation of Sections
77 63-3-501 through 63-3-505, 63-3-509 or 63-3-513 through 63-3-516
78 successfully completes a defensive driving course as authorized
79 under Section 63-9-11(3), the record of the proceedings of the
80 case and the abstract of the record shall not be available for
81 inspection by the general public. All records of violations
82 referred to in this subsection shall be the property of the agency
83 filing the citation or affidavit or issuing the traffic ticket,
84 the court and the Department of Public Safety. The requirement of
85 confidentiality established by this subsection may not be waived
86 by an offender for any purpose.

87 SECTION 3. Section 63-9-21, Mississippi Code of 1972, is
88 amended as follows:

89 63-9-21. (1) This section shall be known as the Uniform
90 Traffic Ticket Law.

91 (2) All traffic tickets shall be printed in the original and
92 at least two (2) copies and such other copies as may be prescribed
93 by the State Auditor. All traffic tickets shall be uniform as
94 prescribed by the State Auditor and the Attorney General, except

95 as otherwise provided in subsection (3)(b) and except that such
96 state officers may alter the form and content of traffic tickets
97 to meet the varying requirements of the different law enforcement
98 agencies. The State Auditor and the Attorney General shall
99 prescribe a separate traffic ticket, consistent with the
100 provisions of subsection (3)(b) of this section, to be used
101 exclusively for violations of the Mississippi Implied Consent Law.

102 (3) (a) Except as otherwise provided in paragraph (b) of
103 this subsection, every traffic ticket issued by any sheriff,
104 deputy sheriff, constable, county patrol officer, municipal police
105 officer or State Highway Patrol officer for any violation of
106 traffic or motor vehicle laws shall be issued on the uniform
107 traffic ticket consisting of an original and at least two (2)
108 copies and such other copies as may be prescribed by the State
109 Auditor.

110 (b) The traffic ticket, citation or affidavit which is
111 issued to a person arrested for a violation of the Mississippi
112 Implied Consent Law shall be uniform throughout all jurisdictions
113 in the State of Mississippi. It shall contain a place for the
114 trial judge hearing the case or accepting the guilty plea, as the
115 case may be, to sign, stating that the person arrested either
116 employed an attorney or waived his right to an attorney after
117 having been properly advised of his right to have an attorney. If
118 the person arrested employed an attorney, the name, address and
119 telephone number of the attorney shall be written on the ticket,
120 citation or affidavit.

121 (c) Every traffic ticket shall show, among other
122 necessary information, the name of the issuing officer, the name
123 of the court in which the cause is to be heard, and the date and
124 time such person is to appear to answer the charge. The ticket
125 shall include information which will constitute a complaint
126 charging the offense for which the ticket was issued, and when
127 duly sworn to and filed with a court of competent jurisdiction,

128 prosecution may proceed thereunder.

129 (4) All traffic tickets shall be bound in book form, shall
130 be consecutively numbered and each traffic ticket shall be
131 accounted for to the officer issuing such book. Said traffic
132 ticket books shall be issued to sheriffs, deputy sheriffs,
133 constables and county patrol officers by the chancery clerk of
134 their respective counties, to each municipal police officer by the
135 clerk of the municipal court, and to each State Highway Patrol
136 officer by the Commissioner of Public Safety.

137 (5) The chancery clerk, clerk of the municipal court and the
138 Commissioner of Public Safety shall keep a record of all traffic
139 ticket books issued and to whom issued, accounting for all books
140 printed and issued.

141 (6) The original traffic ticket shall be delivered by the
142 officer issuing the traffic ticket to the clerk of the court to
143 which it is returnable to be retained in that court's records and
144 the number noted on the docket. The officer issuing the traffic
145 ticket shall also give the accused a copy of the traffic ticket.
146 The clerk of the court shall file a copy with the State Auditor
147 within forty-five (45) days after judgment is rendered showing the
148 amount of the fine and cost or, in cases in which no judgment has
149 been rendered, within one hundred twenty (120) days after issuance
150 of the ticket. Other copies that are prescribed by the State
151 Auditor pursuant to this section shall be filed or retained as may
152 be designated by the State Auditor. All copies shall be retained
153 for at least two (2) years. Whenever a person charged with any
154 violation of Sections 63-3-501 through 63-3-505, 63-3-509 or 63-3-
155 513 through 63-3-516 successfully completes a defensive driving
156 course as authorized under Section 63-9-11(3), the copy of the
157 traffic ticket filed with the State Auditor shall not be available
158 for inspection by the general public. The requirement of
159 confidentiality established by this subsection may not be waived
160 by an offender for any purpose.

161 (7) Failure to comply with the provisions of this section
162 shall constitute a misdemeanor and, upon conviction, shall be
163 punishable by a fine of not less than Ten Dollars (\$10.00) nor
164 more than One Hundred Dollars (\$100.00).

165 SECTION 4. This act shall take effect and be in force from
166 and after July 1, 1999.