

By: Representative Ford

To: Judiciary A

HOUSE BILL NO. 613
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 13-7-1, 13-7-3, 13-7-5, 13-7-7,
2 13-7-9, 13-7-11, 13-7-13, 13-7-15, 13-7-17, 13-7-19, 13-7-21,
3 13-7-23, 13-7-25, 13-7-27, 13-7-29, 13-7-31, 13-7-33, 13-7-35,
4 13-7-37, 13-7-39, 13-7-41, 13-7-43, 13-7-45, 13-7-47 AND 13-7-49,
5 MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE GRAND JURY ACT;
6 TO AMEND SECTION 99-11-3, MISSISSIPPI CODE OF 1972, TO EXTEND THE
7 EXEMPTION OF THE STATE GRAND JURY ACT FROM THE LAW GOVERNING LOCAL
8 JURISDICTION AND VENUE; TO AMEND SECTION 27 OF CHAPTER 553, LAWS
9 OF 1993, AS AMENDED BY CHAPTER 382, LAWS OF 1998, TO EXTEND THE
10 REPEALER ON THE GRAND JURY ACT; AND FOR RELATED PURPOSES.

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

12 SECTION 1. Section 13-7-1, Mississippi Code of 1972, is
13 reenacted as follows:

14 13-7-1. This chapter may be cited as the "State Grand Jury
15 Act," and any state grand jury which may be convened as provided
16 herein shall be known as "State Grand Jury of Mississippi."

17 SECTION 2. Section 13-7-3, Mississippi Code of 1972, is
18 reenacted as follows:

19 13-7-3. For purposes of this chapter:

20 (a) The phrase "Attorney General or his designee" also
21 includes:

- 22 (i) The Attorney General or his designees;
- 23 (ii) The Attorney General and his designee or
24 designees.

25 (b) The term "impaneling judge" means any senior
26 circuit court judge of any circuit court district who, upon
27 petition by the Attorney General, impanels a state grand jury
28 under the provisions of this chapter and shall also include any
29 successor to such judge as provided by law.

30 SECTION 3. Section 13-7-5, Mississippi Code of 1972, is

31 reenacted as follows:

32 13-7-5. There is established a state grand jury system.
33 Each state grand jury shall consist of twenty (20) persons who may
34 be impaneled and who may meet at any suitable location within the
35 state as designated by the impaneling judge. Fifteen (15) members
36 of a state grand jury constitute a quorum.

37 SECTION 4. Section 13-7-7, Mississippi Code of 1972, is
38 reenacted as follows:

39 13-7-7. (1) The jurisdiction of a state grand jury
40 impaneled under this chapter extends throughout the state. The
41 subject matter jurisdiction of a state grand jury in all cases is
42 limited to offenses involving any and all conduct made unlawful by
43 the Mississippi Uniform Controlled Substance Law or any other
44 provision of law involving narcotics, dangerous drugs or
45 controlled substances, or any crime arising out of or in
46 connection with a crime involving narcotics, dangerous drugs or
47 controlled substances, and crimes involving any attempt, aiding,
48 abetting, solicitation or conspiracy to commit any of the
49 aforementioned crimes if the crimes occur within more than one (1)
50 circuit court district or have transpired or are transpiring or
51 have significance in more than one (1) circuit court district of
52 this state.

53 (2) Whenever the Attorney General considers it necessary,
54 and normal investigative or prosecutorial procedures are not
55 adequate, the Attorney General may petition in writing to the
56 senior circuit court judge of any circuit court district in this
57 state for an order impaneling a state grand jury. For the
58 purposes of this chapter, such judge shall be referred to as the
59 impaneling judge. The petition must allege the following:

60 (a) The type of offenses to be inquired into;

61 (b) That the state grand jury has jurisdiction to
62 consider such matters;

63 (c) That the offenses to be inquired into have occurred

64 within more than one (1) circuit court district or have transpired
65 or are transpiring or have significance in more than one (1)
66 circuit court district of this state;

67 (d) That the Attorney General has conferred with the
68 Commissioner of Public Safety and the Director of the Mississippi
69 Bureau of Narcotics and that each of such officials join in the
70 petition; and

71 (e) That the Attorney General has conferred with the
72 appropriate district attorney for each jurisdiction in which the
73 crime or crimes are alleged to have occurred.

74 (3) The impaneling judge, after due consideration of the
75 petition, may order the impanelment of a state grand jury in
76 accordance with the petition for a term of twelve (12) calendar
77 months. Upon petition by the Attorney General, the impaneling
78 judge, by order, may extend the term of that state grand jury for
79 a period of six (6) months, but the term of that state grand jury,
80 including any extension thereof, shall not exceed two (2) years.

81 (4) The impaneling judge shall preside over the state grand
82 jury until its discharge.

83 (5) The impaneling judge may discharge a state grand jury
84 prior to the end of its original term or any extensions thereof,
85 upon a determination that its business has been completed, or upon
86 the request of the Attorney General.

87 (6) If, at any time within the original term of any state
88 grand jury or any extension thereof, the impaneling judge
89 determines that the state grand jury is not conducting
90 investigative activity within its jurisdiction or proper
91 investigative activity, the impaneling judge may limit the
92 investigations so that the investigation conforms with the
93 jurisdiction of the state grand jury and existing law or he may
94 discharge the state grand jury. An order issued pursuant to this
95 subsection or under subsection (5) of this section shall not
96 become effective less than ten (10) days after the date on which

97 it is issued and actual notice given to the Attorney General and
98 the foreman of the state grand jury, and may be appealed by the
99 Attorney General to the Supreme Court. If an appeal from the
100 order is made, the state grand jury, except as otherwise ordered
101 by the Supreme Court, shall continue to exercise its powers
102 pending disposition of the appeal.

103 SECTION 5. Section 13-7-9, Mississippi Code of 1972, is
104 reenacted as follows:

105 13-7-9. A state grand jury may return indictments
106 irrespective of the county or judicial district where the offense
107 is committed. If an indictment is returned, it must be certified
108 and transferred for prosecution to the county designated by the
109 impaneling judge. The powers and duties of and the law applicable
110 to county grand juries apply to the state grand jury, except when
111 such powers and duties and applicable law are inconsistent with
112 the provisions of this chapter.

113 SECTION 6. Section 13-7-11, Mississippi Code of 1972, is
114 reenacted as follows:

115 13-7-11. The Attorney General or his designee shall attend
116 sessions of a state grand jury and shall serve as its legal
117 advisor. The Attorney General or his designee shall examine
118 witnesses, present evidence, and draft indictments and reports
119 upon the direction of a state grand jury.

120 SECTION 7. Section 13-7-13, Mississippi Code of 1972, is
121 reenacted as follows:

122 13-7-13. The impaneling judge shall appoint a circuit clerk
123 who shall serve as the clerk of the state grand jury. The
124 compensation of the state grand jury clerk shall be paid out of
125 any available funds appropriated for that purpose.

126 SECTION 8. Section 13-7-15, Mississippi Code of 1972, is
127 reenacted as follows:

128 13-7-15. After the impaneling judge orders a term for the
129 state grand jury on petition of the Attorney General, the

130 impaneling judge shall order that the circuit clerk for each
131 county shall proceed to draw at random from the jury box as
132 provided by Section 13-5-26, the name of one (1) voter of such
133 county for each two thousand (2,000) voters or fraction thereof
134 registered in such county and shall place these names on a list.
135 The circuit clerk shall not disqualify or excuse any individual
136 whose name is drawn. When the list is compiled, the clerk of the
137 circuit court for each county shall forward the list to the clerk
138 of the state grand jury. Upon receipt of all the lists from the
139 clerks of the circuit courts, the clerk of the state grand jury
140 shall place all the names so received upon a list which shall be
141 known as the master list.

142 The impaneling judge shall order the clerk of the state grand
143 jury to produce the master list and shall direct the random
144 drawing of the names of one hundred (100) persons from the master
145 list. The names drawn shall be given to the clerk of the state
146 grand jury who shall cause each person drawn for service to be
147 served with a summons either personally by the sheriff of the
148 county where the juror resides or by mail, addressed to the juror
149 at his usual residence, business or post office address, requiring
150 him to report for state grand jury service at a specified time and
151 place as designated by the impaneling judge. From the one hundred
152 (100) persons summoned, a state grand jury shall be drawn for that
153 term consisting of twenty (20) persons. State grand jurors must
154 be drawn in the same manner as jurors are drawn for service on the
155 county grand jury.

156 All qualified persons shall be liable to serve as state grand
157 jurors, unless excused by the court for one (1) of the following
158 causes:

159 (a) When the juror is ill, or when on account of
160 serious illness in the juror's family, the presence of the juror
161 is required at home;

162 (b) When the juror's attendance would cause a serious

163 financial loss to the juror or to the juror's business; or
164 (c) When the juror is under an emergency, fairly
165 equivalent to those mentioned in the foregoing paragraphs (a) and
166 (b).

167 An excuse of illness under paragraph (a) may be made to the
168 state grand jury clerk outside of open court by providing the
169 clerk with either a certificate of a licensed physician or an
170 affidavit of the juror, stating that the juror is ill or that
171 there is a serious illness in the juror's family. The test of an
172 excuse under paragraph (b) shall be whether, if the juror were
173 incapacitated by illness or otherwise for a week, some other
174 persons would be available or could reasonably be procured to
175 carry on the business for the week, and the test of an excuse
176 under paragraph (c) shall be such as to be the fair equivalent,
177 under the circumstances of that prescribed under paragraph (b).
178 In cases under paragraphs (b) and (c) the excuse must be made by
179 the juror, in open court, under oath.

180 It shall be unlawful for any employer or other person to
181 persuade or attempt to persuade any juror to avoid jury service,
182 or to intimidate or to threaten any juror in that respect. So to
183 do shall be deemed an interference with the administration of
184 justice and a contempt of court and punishable as such.

185 Every citizen over sixty-five (65) years of age shall be
186 exempt from service if he claims the privilege. No qualified
187 juror shall be excluded because of such reason, but the same shall
188 be a personal privilege to be claimed by any person selected for
189 state grand jury duty. Any citizen over sixty-five (65) years of
190 age may claim this personal privilege outside of open court by
191 providing the clerk of court with information that allows the
192 clerk to determine the validity of the claim.

193 The state grand jurors shall be charged by the impaneling
194 judge as to their authority and responsibility under the law and
195 each juror shall be sworn pursuant to Section 13-5-45. Nothing in

196 this section shall be construed as limiting the right of the
197 Attorney General or his designee to request that a potential state
198 grand juror be excused for cause. The jury selection process
199 shall be conducted by the impaneling judge. Jurors of a state
200 grand jury shall receive reimbursement for travel and mileage as
201 provided for state employees by Section 25-3-41 and shall be paid
202 per diem compensation in the amount provided by Section 25-3-69.
203 All compensation and expenses for meals and lodging of state grand
204 jurors shall be paid out of any available funds appropriated for
205 that purpose.

206 SECTION 9. Section 13-7-17, Mississippi Code of 1972, is
207 reenacted as follows:

208 13-7-17. The impaneling judge shall appoint one (1) of the
209 jurors to be a foreman and another to be deputy foreman. During
210 the absence of the foreman, the deputy foreman shall act as
211 foreman. The foreman and deputy foreman shall be sworn pursuant
212 to Section 13-5-45.

213 SECTION 10. Section 13-7-19, Mississippi Code of 1972, is
214 reenacted as follows:

215 13-7-19. After the state grand jurors shall have been sworn
216 and impaneled, no objections shall be raised by plea or otherwise,
217 to the state grand jury, but the impaneling of the state grand
218 jury shall be conclusive evidence of its competency and
219 qualifications. However, any party interested may challenge the
220 jury, except to the array, for fraud.

221 SECTION 11. Section 13-7-21, Mississippi Code of 1972, is
222 reenacted as follows:

223 13-7-21. The clerk of the state grand jury, upon request of
224 the Attorney General or his designee, shall issue subpoenas, or
225 subpoenas duces tecum to compel individuals, documents or other
226 materials to be brought from anywhere in the state or another
227 state to a state grand jury. In addition, a state grand jury may
228 proceed in the same manner as is provided for by law in relation

229 to the issuance of subpoenas and subpoenas duces tecum; however,
230 the provisions of such law shall not be considered a limitation
231 upon this section, but shall be supplemental thereto. The
232 subpoenas and subpoenas duces tecum may be for investigative
233 purposes and for the retention of documents or other materials so
234 subpoenaed for proper criminal proceedings. Any investigator
235 employed by the Attorney General or any law enforcement officer
236 with appropriate jurisdiction is empowered to serve such subpoenas
237 and subpoenas duces tecum and receive such documents and other
238 materials for return to a state grand jury. Any person violating
239 a subpoena or subpoena duces tecum issued pursuant to this
240 chapter, or who fails to fully answer all questions put to him
241 before proceedings of the state grand jury whenever the response
242 thereto is not privileged or otherwise protected by law, including
243 the granting of immunity as authorized by this chapter, or any
244 other law, may be punished by the impaneling judge for contempt
245 provided the response is not privileged or otherwise protected by
246 law. The Attorney General or his designee may petition the
247 impaneling judge to compel compliance by the person alleged to
248 have committed the violation or who has failed to answer. If the
249 impaneling judge considers compliance is warranted, he may order
250 compliance and may punish the individual for contempt, as provided
251 in Section 9-1-17, where the compliance does not occur. The clerk
252 of the state grand jury may also issue subpoenas and subpoenas
253 duces tecum to compel individuals, documents or other materials to
254 be brought from anywhere in the state to the trial of any
255 indictment returned by a state grand jury or the trial of any
256 civil forfeiture action arising out of an investigation conducted
257 by a state grand jury.

258 SECTION 12. Section 13-7-23, Mississippi Code of 1972, is
259 reenacted as follows:

260 13-7-23. Once a state grand jury has entered into a term,
261 the petition and order establishing and impaneling the state grand

262 jury may be amended as often as necessary and appropriate so as to
263 expand the areas of inquiry authorized by the order or to add
264 additional areas of inquiry thereto, consistent with the
265 provisions of this chapter. The procedures for amending this
266 authority are the same as those for filing the original petition
267 and order.

268 SECTION 13. Section 13-7-25, Mississippi Code of 1972, is
269 reenacted as follows:

270 13-7-25. A court reporter shall record either
271 stenographically or by use of an electronic recording device, all
272 state grand jury proceedings except when the state grand jury is
273 deliberating or voting. Subject to the limitations of Section
274 13-7-29 and any rule of court, a defendant has the right to review
275 and to reproduce the stenographically or electronically recorded
276 materials. Transcripts of the recorded testimony or proceedings
277 must be made when requested by the Attorney General or his
278 designee. An unintentional failure of any recording to reproduce
279 all or any portion of the testimony or proceeding shall not affect
280 the validity of the prosecution. The recording or reporter's
281 notes or any transcript prepared therefrom and all books, papers,
282 records and correspondence produced before the state grand jury
283 shall remain in the custody and control of the Attorney General or
284 his designee unless otherwise ordered by the court in a particular
285 case.

286 SECTION 14. Section 13-7-27, Mississippi Code of 1972, is
287 reenacted as follows:

288 13-7-27. The foreman shall administer an oath or affirmation
289 in the manner prescribed by law to any witness who testifies
290 before a state grand jury.

291 SECTION 15. Section 13-7-29, Mississippi Code of 1972, is
292 reenacted as follows:

293 13-7-29. (1) State grand jury proceedings are secret, and a
294 state grand juror shall not disclose the nature or substance of

295 the deliberations or vote of the state grand jury. The only
296 persons who may be present in the state grand jury room when a
297 state grand jury is in session, except for deliberations and
298 voting, are the state grand jurors, the Attorney General or his
299 designees, an interpreter if necessary and the witness testifying.
300 A state grand juror, the Attorney General or his designees, any
301 interpreter used and any person to whom disclosure is made
302 pursuant to subsection (2)(b) of this section may not disclose the
303 testimony of a witness examined before a state grand jury or other
304 evidence received by it except when directed by a court for the
305 purpose of:

306 (a) Ascertaining whether it is consistent with the
307 testimony given by the witness before the court in any subsequent
308 criminal proceedings;

309 (b) Determining whether the witness is guilty of
310 perjury;

311 (c) Assisting local, state or federal law enforcement
312 or investigating agencies, including another grand jury, in
313 investigating crimes under their investigative jurisdiction;

314 (d) Providing the defendant the materials to which he
315 is entitled pursuant to Section 13-7-25; or

316 (e) Complying with constitutional, statutory or other
317 legal requirements or to further justice.

318 If the court orders disclosure of matters occurring before a
319 state grand jury, the disclosure shall be made in that manner, at
320 that time, and under those conditions as the court directs.

321 (2) In addition, disclosure of testimony of a witness
322 examined before a state grand jury or other evidence received by
323 it may be made without being directed by a court to:

324 (a) The Attorney General or his designees for use in
325 the performance of their duties; or

326 (b) Those governmental personnel, including personnel
327 of the state or its political subdivisions, as are considered

328 necessary by the Attorney General or his designee to assist in the
329 performance of their duties to enforce the criminal laws of the
330 state; however, any person to whom matters are disclosed under
331 this paragraph (b) shall not utilize the state grand jury material
332 for purposes other than assisting the Attorney General or his
333 designee in the performance of their duties to enforce the
334 criminal laws of this state. The Attorney General or his
335 designees shall promptly provide the impaneling judge the names of
336 the persons to whom the disclosure has been made and shall certify
337 that he has advised these persons of their obligations of secrecy
338 under this section.

339 (3) Nothing in this section affects the attorney-client
340 relationship. A client has the right to communicate to his
341 attorney any testimony given by the client to a state grand jury,
342 any matters involving the client discussed in the client's
343 presence before a state grand jury and evidence involving the
344 client received by a proffer to a state grand jury in the client's
345 presence.

346 (4) Any person violating the provisions of this section is
347 guilty of a misdemeanor and, upon conviction, shall be punished by
348 a fine not exceeding Five Thousand Dollars (\$5,000.00), or by a
349 term of imprisonment not exceeding one (1) year, or by both such
350 fine and imprisonment.

351 (5) State grand jurors, the Attorney General and his
352 designee, any interpreter used and the clerk of the state grand
353 jury shall be sworn to secrecy and also may be punished for
354 criminal contempt for violations of this section.

355 SECTION 16. Section 13-7-31, Mississippi Code of 1972, is
356 reenacted as follows:

357 13-7-31. Except for the prosecution of cases arising from
358 indictments issued by the state grand jury, the impaneling judge
359 has jurisdiction to hear all matters arising from the proceedings
360 of a state grand jury, including, but not limited to, matters

361 related to the impanelment or removal of state grand jurors, the
362 quashing of subpoenas and the punishment for contempt.

363 SECTION 17. Section 13-7-33, Mississippi Code of 1972, is
364 reenacted as follows:

365 13-7-33. The Attorney General or his designee shall
366 coordinate the scheduling of activities of any state grand jury.

367 SECTION 18. Section 13-7-35, Mississippi Code of 1972, is
368 reenacted as follows:

369 13-7-35. (1) In order to return a "True Bill" of
370 indictment, twelve (12) or more state grand jurors must find that
371 probable cause exists for the indictment and vote in favor of the
372 indictment. Upon indictment by a state grand jury, the indictment
373 shall be returned to the impaneling judge. If the impaneling
374 judge considers the indictment to be within the authority of the
375 state grand jury and otherwise in accordance with the provisions
376 of this chapter, he shall order the clerk of the state grand jury
377 to certify the indictment and return the indictment to the county
378 designated by the impaneling judge as the county in which the
379 indictment shall be tried.

380 (2) Indictments returned by a state grand jury are properly
381 triable in any county of the state where any of the alleged
382 conduct occurred. The impaneling judge to whom the indictment is
383 returned shall designate the county in which the indictment shall
384 be tried. If a multicount indictment returned by a state grand
385 jury is properly triable in a single proceeding as otherwise
386 provided by law, all counts may be tried in the county designated
387 by the impaneling judge notwithstanding the fact that different
388 counts may have occurred in more than one county.

389 (3) In determining the venue for indictments returned by a
390 state grand jury, the impaneling judge shall select the county in
391 which the state and defendant may receive a fair trial before an
392 impartial jury taking into consideration the totality of the
393 circumstances of each case.

394 (4) When the indictment has been returned to the circuit
395 clerk of the county designated by the impaneling judge, the *capias*
396 shall be issued as otherwise provided by law. The indictment
397 shall be kept secret until the defendant is in custody or has been
398 released pending trial.

399 SECTION 19. Section 13-7-37, Mississippi Code of 1972, is
400 reenacted as follows:

401 13-7-37. If any person asks to be excused from testifying
402 before a state grand jury or from producing any books, papers,
403 records, correspondence or other documents before a state grand
404 jury on the ground that the testimony or evidence required of him
405 may tend to incriminate him or subject him to any penalty or
406 forfeiture and such person, notwithstanding such ground, is
407 directed by the impaneling judge to give the testimony or produce
408 the evidence, he shall comply with this direction, but no
409 testimony so given or evidence produced may be received against
410 him in any criminal action, investigation or criminal proceeding.
411 No individual testifying or producing evidence or documents is
412 exempt from prosecution or punishment for any perjury committed by
413 him while so testifying, and the testimony or evidence given or
414 produced is admissible against him upon any criminal action,
415 criminal investigation or criminal proceeding concerning this
416 perjury; however, any individual may execute, acknowledge and file
417 a statement with the appropriate court expressly waiving immunity
418 or privilege in respect to any testimony given or produced and
419 thereupon the testimony or evidence given or produced may be
420 received or produced before any judge or justice, court tribunal,
421 grand jury or otherwise, and if so received or produced, the
422 individual is not entitled to any immunity or privilege on account
423 of any testimony he may give or evidence produced.

424 SECTION 20. Section 13-7-39, Mississippi Code of 1972, is
425 reenacted as follows:

426 13-7-39. Records, orders and subpoenas related to state

427 grand jury proceedings shall be kept under seal to the extent and
428 for the time that is necessary to prevent disclosure of matters
429 occurring before a state grand jury.

430 SECTION 21. Section 13-7-41, Mississippi Code of 1972, is
431 reenacted as follows:

432 13-7-41. The Attorney General shall make available suitable
433 space for state grand juries to meet. The Mississippi Department
434 of Public Safety and the Mississippi Bureau of Narcotics may
435 provide such services as required by the Attorney General and the
436 state grand juries.

437 SECTION 22. Section 13-7-43, Mississippi Code of 1972, is
438 reenacted as follows:

439 13-7-43. The Supreme Court may promulgate rules as are
440 necessary for the operation of the state grand jury system
441 established by this chapter.

442 SECTION 23. Section 13-7-45, Mississippi Code of 1972, is
443 reenacted as follows:

444 13-7-45. If any part of this chapter is declared invalid,
445 unenforceable or unconstitutional by a court of competent
446 jurisdiction, that part shall be severable from the remaining
447 portions of this chapter, which portions shall remain in full
448 force and effect as if the invalid, unenforceable or
449 unconstitutional portion were omitted.

450 SECTION 24. Section 13-7-47, Mississippi Code of 1972, is
451 reenacted as follows:

452 13-7-47. This chapter applies to offenses committed both
453 before and after its effective date.

454 SECTION 25. Section 13-7-49, Mississippi Code of 1972, is
455 reenacted as follows:

456 13-7-49. Nothing in this chapter shall be construed as
457 amending, repealing or superseding any other law of this state
458 governing the powers and duties of county grand jurors, district
459 attorneys or law enforcement agencies or other officials with

460 regard to their authority to investigate, indict or prosecute
461 offenses that are prescribed by this chapter as within the
462 jurisdiction of the state grand jury.

463 SECTION 26. Section 99-11-3, Mississippi Code of 1972, is
464 amended as follows:

465 99-11-3. (1) The local jurisdiction of all offenses, unless
466 otherwise provided by law, shall be in the county where committed.
467 But, if on the trial the evidence makes it doubtful in which of
468 several counties, including that in which the indictment or
469 affidavit alleges the offense was committed, such doubt shall not
470 avail to procure the acquittal of the defendant.

471 (2) The provisions of subsection (1) of this section shall
472 not apply to indictments returned by a state grand jury. The
473 venue of trials for indictments returned by a state grand jury
474 shall be as provided by the State Grand Jury Act. This subsection
475 shall stand repealed from and after July 1, 2002.

476 SECTION 27. Section 27 of Chapter 553, Laws of 1993, as
477 amended by Chapter 382, Laws of 1998, is amended as follows:

478 Section 27. This act shall take effect and be in force from
479 and after its passage, and, with the exception of Section 22,
480 shall stand repealed from and after July 1, 2002.

481 SECTION 28. This act shall take effect and be in force from
482 and after July 1, 1999.