

By: Representative Flaggs

To: Transportation;
County Affairs

HOUSE BILL NO. 742

1 AN ACT TO AMEND SECTION 63-3-519, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE SHERIFF AND HIS DEPUTIES, UPON REFERENDUM
3 APPROVAL, TO USE RADAR SPEED DETECTION DEVICES ON THE PUBLIC
4 ROADS, STREETS AND HIGHWAYS WITHIN THE COUNTY; AND FOR RELATED
5 PURPOSES.

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

7 SECTION 1. Section 63-3-519, Mississippi Code of 1972, is
8 amended as follows:

9 63-3-519. (1) It shall be unlawful for any person or peace
10 officer or law enforcement agency, except the Mississippi Highway
11 Safety Patrol, to purchase or use or allow to be used any type of
12 radar speed detection equipment upon any public street, road or
13 highway of this state. However, such equipment may be used:

14 (a) By municipal law enforcement officers within a
15 municipality having a population of two thousand (2,000) or more
16 upon the public streets of the municipality;

17 (b) By any college or university campus police force
18 within the confines of any campus wherein more than two thousand
19 (2,000) students are enrolled;

20 (c) By municipal law enforcement officers in any
21 municipality having a population in excess of fifteen thousand
22 (15,000) according to the latest federal census on federally
23 designated highways lying within the corporate limits; and

24 (d) Subject to the provisions of subsection (2) of this
25 section, by the sheriff and his deputies on any public road,
26 street or highway located outside the corporate limits of a
27 municipality.

28 (2) (a) Before a sheriff or his deputies may use radar
29 speed detection devices in a county as described under paragraph
30 (1)(d) the question of whether or not the sheriff or his deputies
31 may use such devices must be submitted to a vote of the qualified
32 electors of the county. The board of supervisors may submit such
33 question on its own initiative, and the board of supervisors shall
34 submit such question upon the presentation and filing of a proper
35 petition so requesting, signed by at least twenty percent (20%) or
36 fifteen hundred (1500), whichever is less, of the qualified
37 electors of the county. The question may be submitted only at a
38 regularly scheduled election to be held throughout the county, and
39 no special election may be called solely for the purpose of
40 submitting the question to the electors.

41 (b) The election must be held and conducted by the
42 county election commissioners on a date fixed by the order of the
43 board of supervisors, which date may be no more than sixty (60)
44 days from the date of the filing of the petition. Notice of the
45 election must be given by publishing the notice once each week for
46 at least three (3) consecutive weeks in some newspaper published
47 in the county or, if no newspaper be published therein, by
48 publishing the notice in a newspaper in an adjoining county having
49 a general circulation in the county involved. The election may be
50 held not earlier than fifteen (15) days from the first publication
51 of the notice.

52 (c) The election must be held and conducted, as far as
53 may be possible, in the same manner as is provided by law for the
54 holding of general elections. The ballots used at the election
55 must contain a brief statement of the proposition submitted and,
56 on separate lines, the words "I vote FOR the authority of the
57 sheriff and his deputies to use radar speed detection devices on
58 county roads ()" "I vote AGAINST the authority of the sheriff and
59 his deputies to use radar speed detection devices on county roads
60 ()" with appropriate boxes in which the voters may express their

61 choice. All qualified electors may vote by marking the ballot
62 with a cross (x) or check () mark opposite the words of their
63 choice.

64 (d) The election commissioners shall canvass and
65 determine the results of the election, and shall certify the
66 results to the board of supervisors which shall adopt and spread
67 upon its minutes an order declaring the results. If, in such
68 election, a majority of the qualified electors participating
69 therein shall vote in favor of the proposition, then the board of
70 supervisors may authorize the sheriff and his deputies to use
71 radar speed detection devices on county roads, streets and
72 highways outside the corporate limits of a municipality. If, on
73 the other hand, a majority of the qualified electors participating
74 in the election vote against the proposition, then the provisions
75 of paragraph (1)(d) of this section shall not be applicable in
76 such county. In either case, no further election may be held in
77 the county under the provisions of this section for a period of
78 two (2) years from the date of the prior election and then only
79 upon the filing of a petition requesting an election signed by at
80 least twenty percent (20%) or fifteen hundred (1500), whichever
81 number is the lesser, of the qualified electors of the county as
82 is otherwise provided in this section.

83 (3) The Mississippi Highway Safety Patrol shall not set up
84 radar on highways within municipalities with a population in
85 excess of fifteen thousand (15,000) according to the latest
86 federal census.

87 SECTION 2. The Attorney General of the State of Mississippi
88 shall submit this act, immediately upon approval by the Governor,
89 or upon approval by the Legislature subsequent to a veto, to the
90 Attorney General of the United States or to the United States
91 District Court for the District of Columbia in accordance with the
92 provisions of the Voting Rights Act of 1965, as amended and
93 extended.

94 SECTION 3. This act shall take effect and be in force from
95 and after the date it is effectuated under Section 5 of the Voting
96 Rights Act of 1965, as amended and extended.