

By: Senator(s) Walls

To: Judiciary

SENATE BILL NO. 3047

1 AN ACT TO AMEND SECTION 63-9-11, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE ALTERNATIVE SENTENCING OF CERTAIN FIRST- OR SECOND-TIME
3 TRAFFIC VIOLATORS AND TO PROVIDE THAT SUCH TRAFFIC VIOLATIONS WILL
4 NOT BE ENTERED ON THE DRIVING RECORD OF ANY INDIVIDUAL; TO AMEND
5 SECTION 63-9-17, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR
6 RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE
7 OF MISSISSIPPI:

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

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

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

28 (3) Whenever, in a misdemeanor case, a person is convicted
29 of violating any of the provisions of Chapter 3, 5 or 7 of this

30 title, has not had more than one (1) such violation within the
31 past three (3) years, and pleads guilty to the violation, the
32 court imposing sentence is authorized to impose a double fine and
33 withhold reporting of the conviction to the Mississippi Department
34 of Public Safety for inclusion in the person's driving record.

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

37 63-9-17. (1) Every court shall keep a full record of the
38 proceedings of every case in which a person is charged with any
39 violation of law regulating the operation of vehicles on the
40 highways, streets or roads of this state.

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

50 (3) Said abstract must be made upon a form approved by the
51 Department of Public Safety, and shall include the name and
52 address of the party charged, the registration number of the
53 vehicle involved, the nature of the offense, the date of hearing,
54 the plea, the judgment, and if the fine was satisfied by
55 prepayment or appearance bond forfeiture, and the amount of the
56 fine or forfeiture, as the case may be.

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

61 (5) Every clerk of the court shall also forward a like
62 report to the Department of Public Safety upon the entry of a plea

63 of guilty under Section 63-9-11(3), and the department shall make
64 and maintain a private, non-public record solely for the use of
65 the courts in determining eligibility under Section 63-9-11(3) as
66 a first- or second-time offender, which shall not constitute a
67 criminal record for the purpose of private or administrative
68 inquiry. Reports forwarded to the Department of Public Safety
69 under this subsection shall be exempt from the provisions of the
70 Mississippi Public Records Act of 1983.

71 (6) The failure by refusal or neglect of any such judicial
72 officer to comply with any of the requirements of this section
73 shall constitute misconduct in office and shall be grounds for
74 removal therefrom.

75 (7) The Department of Public Safety shall keep copies of all
76 abstracts received hereunder for a period of three (3) years at
77 its main office and the same shall be open to public inspection
78 during reasonable business hours.

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