

By: Walls

To: Judiciary

SENATE BILL NO. 2387

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.

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

24 person shall be punished by a fine of not more than Five Hundred  
25 Dollars (\$500.00) or by imprisonment for not more than six (6)  
26 months or by both such fine and imprisonment.

27 (3) Whenever, in a misdemeanor case, a person is convicted  
28 of violating any of the provisions of Chapter 3, 5 or 7 of this  
29 title, has not had more than one (1) such violation within the  
30 past three (3) years, and pleads guilty to the violation, the  
31 court imposing sentence is authorized to impose a double fine and  
32 withhold reporting of the conviction to the Mississippi Department  
33 of Public Safety for inclusion in the person's driving record.

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

36 63-9-17. (1) Every court shall keep a full record of the  
37 proceedings of every case in which a person is charged with any  
38 violation of law regulating the operation of vehicles on the  
39 highways, streets or roads of this state.

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

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

55 fine or forfeiture, as the case may be.

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

60 (5) Every clerk of the court shall also forward a like  
61 report to the Department of Public Safety upon the entry of a plea  
62 of guilty under Section 63-9-11(3), and the department shall make  
63 and maintain a private, nonpublic record solely for the use of the  
64 courts in determining eligibility under Section 63-9-11(3) as a  
65 first- or second-time offender, which shall not constitute a  
66 criminal record for the purpose of private or administrative  
67 inquiry. Reports forwarded to the Department of Public Safety  
68 under this subsection shall be exempt from the provisions of the  
69 Mississippi Public Records Act of 1983.

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

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

78 SECTION 3. This act shall take effect and be in force from  
79 and after July 1, 2000.