To: Transportation

MISSISSIPPI LEGISLATURE REGULAR SESSION 2001
By: Representative Mayo

HOUSE BILL NO. 218

AN ACT TO AMEND SECTION 63-3-519, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO PERMIT THE SHERIFF AND DEPUTY SHERIFFS OF THE COUNTY TO USE RADAR SPEED DETECTION DEVICES ON THE ROADS, STREETS AND HIGHWAYS OF THE COUNTY; TO PROVIDE THAT SUCH AUTHORITY SHALL BE SUBJECT TO APPROVAL BY THE QUALIFIED ELECTORS OF THE COUNTY UPON A REFERENDUM HELD ON THE QUESTION; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

(d) Subject to the provisions of subsection (2) of this section, by the sheriff and his deputies of any county on any public road, street or highway under the jurisdiction of the
counties, which road, street or highway is located outside the corporate limits of a municipality.

(2) (a) The board of supervisors of any county, in its discretion, by order duly adopted and entered upon its minutes, may authorize the use of radar speed detection devices by the sheriff and his deputies on county roads, streets and highways as described under paragraph (1)(d) of this section. However, before such order may become effective, the question of whether or not the sheriff and his deputies may use radar speed detection devices on the county roads must be submitted to and approved by a vote of the qualified electors of the county. The question may be submitted at a regularly scheduled election or at a special election to be held for such purpose throughout the county. The election shall be held and conducted by the county election commissioners on a date fixed by the order of the board of supervisors. Notice of the election must be given by publishing the notice once each week for at least three (3) consecutive weeks in some newspaper published in the county or, if no newspaper be published therein, by publishing the notice in a newspaper in an adjoining county having a general circulation in the county involved. The election may be held not earlier than seven (7) days from the last publication of the notice and shall be held and conducted, as far as practicable, in the same manner as is provided by law for the holding of general elections. The ballots used at the election must contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR the authority of the sheriff and his deputies to use radar speed detection devices on county roads ( )" "I vote AGAINST the authority of the sheriff and his deputies to use radar speed detection devices on county roads ( )" with appropriate boxes in which the voters may express their choice. All qualified electors may vote by marking the ballot with a cross (x) or check (√) mark opposite the words of their choice.
(b) The election commissioners shall canvass and determine the results of the election, and shall certify the results to the board of supervisors which shall adopt and spread upon its minutes an order declaring the results. If, in such election, a majority of the qualified electors participating therein shall vote in favor of the proposition, then the order adopted by the board of supervisors authorizing the sheriff and his deputies to use radar speed detection devices on county roads, streets and highways outside the corporate limits of a municipality shall become effective on the date set forth in the order. If, on the other hand, a majority of the qualified electors participating in the election vote against the proposition, then the provisions of paragraph (1)(d) of this section shall not be applicable in such county. In either case, no further election may be held in the county under the provisions of this section for a period of two (2) years from the date of the prior election and then only in accordance with the provisions of this section.

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

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

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