

By: Representative Mayo

To: Transportation

HOUSE BILL NO. 220

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

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

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

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

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

20 (b) By any college or university campus police force
 21 within the confines of any campus wherein more than two thousand
 22 (2,000) students are enrolled;

23 (c) By municipal law enforcement officers in any
 24 municipality having a population in excess of fifteen thousand
 25 (15,000) according to the latest federal census on federally
 26 designated highways lying within the corporate limits; and

27 (d) Subject to the provisions of subsection (2) of this
 28 section, by the sheriff and his deputies of any county on any
 29 public road, street or highway under the jurisdiction of the



30 county, which road, street or highway is located outside the
31 corporate limits of a municipality.

32 (2) (a) The board of supervisors of any county, in its
33 discretion, may adopt a resolution declaring its intention to
34 authorize the use of radar speed detection devices by the sheriff
35 and his deputies on county roads, streets and highways as
36 described under paragraph (1)(d) of this section. The resolution
37 must state the time when such authority will become effective and
38 must be published once each week for at least three (3)
39 consecutive weeks in some newspaper published in the county or, if
40 no newspaper be published therein, by publishing the resolution in
41 a newspaper in an adjoining county having a general circulation in
42 the county involved. The last publication must be made no later
43 than thirty (30) days before the date set forth in the resolution
44 authorizing the sheriff and his deputies to use radar speed
45 detection devices.

46 (b) If, after publishing the resolution and on or
47 before the date set forth in the resolution authorizing the
48 sheriff and his deputies to use radar speed detection devices,
49 twenty percent (20%) or one thousand five hundred (1,500),
50 whichever is less, of the qualified electors of the county file a
51 written protest against authorizing the sheriff and his deputies
52 to use radar speed detection devices, then such devices may not be
53 used by the sheriff or his deputies in the county unless approved
54 by a majority of the qualified electors of the county voting at an
55 election to be called and held for such purpose. Upon the
56 presentation and filing of such a petition in proper form and
57 signed by the requisite number of qualified electors, the board of
58 supervisors shall submit the question to the qualified electors of
59 the county. The question may be submitted at a regularly
60 scheduled election or at a special election to be held for such
61 purpose throughout the county. The election shall be held and
62 conducted by the county election commissioners on a date fixed by



63 the order of the board of supervisors. Notice of the election
64 must be given by publishing the notice once each week for at least
65 three (3) consecutive weeks in some newspaper published in the
66 county or, if no newspaper be published therein, by publishing the
67 notice in a newspaper in an adjoining county having a general
68 circulation in the county involved.

69 (c) If a petition is not timely filed as provided under
70 paragraph (2)(b) of this section, then the sheriff and his
71 deputies may use radar speed detection devices on the county
72 roads, streets and highways as authorized by the resolution and as
73 described under paragraph (1)(d) of this section.

74 (d) If an election is required to be held under
75 paragraph (2)(b) of this section, the election may be held not
76 earlier than seven (7) days from the last publication of the
77 notice and shall be held and conducted, as far as practicable, in
78 the same manner as is provided by law for the holding of general
79 elections. The ballots used at the election must contain a brief
80 statement of the proposition submitted and, on separate lines, the
81 words "I vote FOR the authority of the sheriff and his deputies to
82 use radar speed detection devices on county roads ()" "I vote
83 AGAINST the authority of the sheriff and his deputies to use radar
84 speed detection devices on county roads ()" with appropriate
85 boxes in which the voters may express their choice. All qualified
86 electors may vote by marking the ballot with a cross (x) or check
87 (✓) mark opposite the words of their choice.

88 (e) The election commissioners shall canvass and
89 determine the results of the election, and shall certify the
90 results to the board of supervisors which shall adopt and spread
91 upon its minutes an order declaring the results. If, in such
92 election, a majority of the qualified electors participating
93 therein shall vote in favor of the proposition, then the
94 resolution adopted by the board of supervisors authorizing the
95 sheriff and his deputies to use radar speed detection devices on



96 county roads, streets and highways outside the corporate limits of
97 a municipality shall become effective on the date set forth in the
98 resolution. If, on the other hand, a majority of the qualified
99 electors participating in the election vote against the
100 proposition, then the provisions of paragraph (1)(d) of this
101 section shall not be applicable in such county. In either case,
102 no further election may be held in the county under the provisions
103 of this section for a period of two (2) years from the date of the
104 prior election and then only in accordance with the provisions of
105 this section.

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

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

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

