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 THE FILING OF A PETITION FOR A REFERENDUM 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
county, 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, may adopt a resolution declaring its intention to
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. The resolution
must state the time when such authority will become effective and
must be published 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 resolution in
a newspaper in an adjoining county having a general circulation in
the county involved. The last publication must be made no later
than thirty (30) days before the date set forth in the resolution
authorizing the sheriff and his deputies to use radar speed
detection devices.

(b) If, after publishing the resolution and on or
before the date set forth in the resolution authorizing the
sheriff and his deputies to use radar speed detection devices,
twenty percent (20%) or one thousand five hundred (1,500),
whichever is less, of the qualified electors of the county file a
written protest against authorizing the sheriff and his deputies
to use radar speed detection devices, then such devices may not be
used by the sheriff or his deputies in the county unless approved
by a majority of the qualified electors of the county voting at an
election to be called and held for such purpose. Upon the
presentation and filing of such a petition in proper form and
signed by the requisite number of qualified electors, the board of
supervisors shall submit the question to 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.

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

(d) If an election is required to be held under paragraph (2)(b) of this section, 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.

(e) 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 resolution adopted by the board of supervisors authorizing the sheriff and his deputies to use radar speed detection devices on...
ST: Radar; authorize counties to use on county roads subject to petition referendum.