To: Judiciary A

MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Representative Comprettta

HOUSE BILL NO. 1408

AN ACT TO AMEND SECTION 63-11-5, MISSISSIPPI CODE OF 1972, TO
AUTHORIZE ENFORCEMENT OFFICERS OF THE MISSISSIPPI DEPARTMENT OF
TRANSPORTATION TO DIRECT THAT CHEMICAL TESTS OF A PERSON'S BREATH,
BLOOD OR URINE BE ADMINISTERED FOR THE PURPOSE OF DETERMINING THE
PRESENCE OF SUBSTANCES IN SUCH PERSON'S BODY WHICH WOULD IMPAIR
HIS OR HER ABILITY TO OPERATE A MOTOR VEHICLE; AND FOR RELATED
PURPOSES.

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

SECTION 1. Section 63-11-5, Mississippi Code of 1972, is
amended as follows:

63-11-5. (1) Any person who operates a motor vehicle upon
the public highways, public roads and streets of this state shall
be deemed to have given his consent, subject to the provisions of
this chapter, to a chemical test or tests of his breath for the
purpose of determining alcohol concentration. A person shall give
his consent to a chemical test or tests of his breath, blood or
urine for the purpose of determining the presence in his body of
any other substance which would impair a person's ability to
operate a motor vehicle. The test or tests shall be administered
at the direction of any highway patrol officer, any sheriff or his
duly commissioned deputies, any police officer in any incorporated
municipality, any national park ranger, any enforcement officer of
the Mississippi Department of Transportation, any officer of a
state-supported institution of higher learning campus police force
if such officer is exercising this authority in regard to a
violation that occurred on campus property, or any security
officer appointed and commissioned pursuant to the Pearl River
Valley Water Supply District Security Officer Law of 1978 if such
officer is exercising this authority in regard to a violation that occurred within the limits of the Pearl River Valley Water Supply District, when such officer has reasonable grounds and probable cause to believe that the person was driving or had under his actual physical control a motor vehicle upon the public streets or highways of this state while under the influence of intoxicating liquor or any other substance which had impaired such person's ability to operate a motor vehicle. No such test shall be administered by any person who has not met all the educational and training requirements of the appropriate course of study prescribed by the Board on Law Enforcement Officers Standards and Training; provided, however, that sheriffs and elected chiefs of police shall be exempt from such educational and training requirement. No such tests shall be given by any officer or any agency to any person within fifteen (15) minutes of consumption of any substance by mouth.

(2) If the officer has reasonable grounds and probable cause to believe such person to have been driving a motor vehicle upon the public highways, public roads and streets of this state while under the influence of intoxicating liquor, such officer shall inform such person that his failure to submit to such chemical test or tests of his breath shall result in the suspension of his privilege to operate a motor vehicle upon the public streets and highways of this state for a period of ninety (90) days in the event such person has not previously been convicted of a violation of Section 63-11-30, or, for a period of one (1) year in the event of any previous conviction of such person under Section 63-11-30.

(3) The traffic ticket, citation or affidavit issued to a person arrested for a violation of this chapter shall conform to the requirements of Section 63-9-21(3)(b).

(4) Any person arrested under the provisions of this chapter shall be informed that he has the right to telephone for the...
(5) The Commissioner of Public Safety and the State Crime Laboratory created pursuant to Section 45-1-17 are hereby authorized from and after the passage of this section to adopt procedures, rules and regulations, applicable to the Implied Consent Law.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.