

By: Senator(s) Walls

To: Judiciary

SENATE BILL NO. 2849

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 Chapters 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 \$100.00 or by imprisonment for  
18 not more than ten days; for a second such conviction within one  
19 year thereafter such person shall be punished by a fine of not  
20 more than \$200.00 or by imprisonment for not more than twenty days  
21 or by both such fine and imprisonment; upon a third or subsequent  
22 conviction within one year after the first conviction such person  
23 shall be punished by a fine of not more than \$500.00 or by  
24 imprisonment for not more than six months or by both such fine and  
25 imprisonment.

26 (3) Whenever, in a misdemeanor case, a person is convicted  
27 of violating any of the provisions of Chapter 3, 5 or 7 of this  
28 title, has not had more than one (1) such violation within the

29 past three (3) years, and pleads guilty to the violation, the  
30 court imposing sentence is authorized to impose a double fine and  
31 withhold reporting of the conviction to the Mississippi Department  
32 of Public Safety for inclusion in the person's driving record.

33 SECTION \*. Section 63-9-17, Mississippi Code of 1972, is  
34 amended as follows:

35 63-9-17. (1) Every court shall keep a full record of the  
36 proceedings of every case in which a person is charged with any  
37 violation of law regulating the operation of vehicles on the  
38 highways, streets or roads of this state.

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

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

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

59 (5) Every clerk of the court shall also forward a like  
60 report to the Department of Public Safety upon the entry of a plea  
61 of guilty under Section 63-9-11(3), and the department shall make

62 and maintain a private, nonpublic record solely for the use of the  
63 courts in determining eligibility under Section 63-9-11(3) as a  
64 first- or second-time offender, which shall not constitute a  
65 criminal record for the purpose of private or administrative  
66 inquiry. Reports forwarded to the Department of Public Safety  
67 under this subsection shall be exempt from the provisions of the  
68 Mississippi Public Records Act of 1983.

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

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

77       SECTION 3. This act shall take effect and be in force from  
78 and after July 1, 2001.