SENATE BILL NO. 2973

AN ACT TO AMEND SECTION 63-11-19, MISSISSIPPI CODE OF 1972, TO ALLOW THE UNITED STATES COAST GUARD TO CONDUCT A BREATHALYZER TEST UNDER THE MISSISSIPPI ALCOHOL BOATING SAFETY ACT; TO AMEND SECTION 59-23-3, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 63-11-19, Mississippi Code of 1972, is amended as follows:

63-11-19. A chemical analysis of the person's breath, blood or urine, to be considered valid under the provisions of this section, shall have been performed according to methods approved by the State Crime Laboratory created pursuant to Section 45-1-17 and the Commissioner of Public Safety and performed by an individual possessing a valid permit issued by the State Crime Laboratory for making such analysis. The State Crime Laboratory and the Commissioner of Public Safety are authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the State Crime Laboratory. The State Crime Laboratory shall not approve the permit required herein for any law enforcement officer other than a member of the State Highway Patrol, a sheriff or his deputies, a city policeman, an officer of a state-supported institution of higher learning campus police force, a security officer appointed and commissioned pursuant to the Pearl River Valley Water Supply District Security Officer Law of 1978, a national park ranger, a national park ranger technician, a military policeman stationed at
a United States military base located within this state other than a military policeman of the Army or Air National Guard or of Reserve Units of the Army, Air Force, Navy or Marine Corps, a law enforcement officer of the United States Coast Guard, a marine law enforcement officer employed by the Department of Marine Resources, or a conservation officer employed by the Mississippi Department of Wildlife, Fisheries and Parks. The permit given a conservation officer, a marine law enforcement officer, or a United States Coast Guard officer shall authorize such officer to administer tests only for violations of Sections 59-23-1 through 59-23-7.

The State Crime Laboratory shall make periodic, but not less frequently than quarterly, tests of the methods, machines or devices used in making chemical analysis of a person's breath as shall be necessary to ensure the accuracy thereof, and shall issue its certificate to verify the accuracy of the same.

SECTION 2. Section 59-23-3, Mississippi Code of 1972, is amended as follows:

59-23-3. For the purposes of this chapter, the following terms shall have the following meanings unless the context shall prescribe otherwise:

(a) "Chemical test" means an analysis of a person's blood, breath, urine or other bodily substance for the determination of the presence of alcohol or any other substance which may impair a person's mental or physical ability.

(b) "Department" means Mississippi Department of Wildlife, Fisheries and Parks.

(c) "Executive director" means the chief officer of the department.

(d) "Intoxicated" means under the influence of alcohol or any combination of alcohol, controlled substance or drugs, so that there is impaired thought and action and loss of normal
control of a person's faculties to such an extent as to endanger
any person.

(e) "Law enforcement officer" means an officer
described in Section 63-11-19 ★ ★ ★.

(f) "Prima facie evidence of intoxication" includes
evidence that at the time of an alleged violation there was ten
one-hundredths percent (.10%) or more by weight of alcohol in the
person's blood.

(g) "Public waters" means all public waters over which
the state has jurisdiction.

(h) "Watercraft" means a motorized vessel with a motor
of twenty-five (25) horsepower or greater used for transportation
on public waters and personal watercraft (jet skis).

(i) "Operates a watercraft" or "operation of a
watercraft" shall mean a watercraft that is underway in the water.

SECTION 3. This act shall take effect and be in force from
and after its passage.