

By: Senator(s) Ross, Kirby, Posey

To: Judiciary

SENATE BILL NO. 2079

1 AN ACT TO AMEND SECTION 99-19-3, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE FOR THE WAIVER OF THE RIGHT TO TRIAL AND PAYMENT OF FINE  
3 WITHOUT APPEARING IN COURT FOR TRAFFIC, MOTOR VEHICLE AND GAME AND  
4 FISH MISDEMEANOR VIOLATIONS; TO AMEND SECTION 99-33-3, MISSISSIPPI  
5 CODE OF 1972, IN CONFORMITY; TO REPEAL SECTION 21-23-17,  
6 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE WAIVER OF TRIAL  
7 AND PAYMENT OF FINE WITHOUT APPEARING IN MUNICIPAL COURT; TO  
8 REPEAL SECTION 63-9-29, MISSISSIPPI CODE OF 1972, WHICH PROVIDES  
9 FOR THE WAIVER OF TRIAL AND PAYMENT OF FINE WITHOUT APPEARING IN  
10 JUSTICE COURT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 99-19-3, Mississippi Code of 1972, is  
13 amended as follows:

14 99-19-3. (1) Except as provided in subsection (2) of this  
15 section, a person indicted for a criminal offense shall not be  
16 convicted thereof, unless by confession of his guilt in open court  
17 or by admitting the truth of the charge against him by his plea,  
18 or by the verdict of a jury accepted and recorded in court. A  
19 person charged with an offense shall not be punished therefor  
20 unless legally convicted thereof in a court having jurisdiction of  
21 the cause and of the person.

22 (2) In all cases in the circuit, county, justice and  
23 municipal courts involving a traffic misdemeanor violation or a  
24 game and fish misdemeanor violation where a person has been issued  
25 a ticket or has been formally charged by affidavit, indictment or  
26 information and desires to waive a trial and not appear in court  
27 and defend the charge, the amount of the fine, in the discretion  
28 of the court, may be paid in advance to the clerk of the court.  
29 When the fine is paid in advance, the person cited must be  
30 notified by language plainly printed on a waiver form or the  
31 ticket of the person's right to a trial and the consequences of



32 the voluntary advance payment of the fine. In cases where formal  
33 charges have been made and the person charged has been notified to  
34 appear in court at a certain date and time, the clerk of the court  
35 is authorized to accept a cash appearance bond, not to exceed the  
36 amount of the fine, conditioned upon the appearance of the person  
37 in court at the cited date and time. In the event of default, the  
38 cash appearance bond may be forfeited in payment of any judgment  
39 in the case in an amount not to exceed the amount of the bond; and  
40 in such cases of cash appearance bond forfeiture, it shall be  
41 final without necessity of judgment nisi and issuance of the writ  
42 of scire facias. In the event a person so cited or charged pays a  
43 fine in advance after notice of the person's rights, this shall  
44 constitute a waiver of formal charge, arraignment and trial; and  
45 in such cases and in cases of default on cash appearance bond,  
46 such action shall be a plea of nolo contendere by such person and  
47 the court, upon the advance payment of fine or the default on cash  
48 appearance bond, may convict the person of the offense stated in  
49 the ticket or formal charges without further appearance by the  
50 person. Traffic convictions shall be reported to the Commissioner  
51 of Public Safety as required by law and convictions for any  
52 offense charged by a conservation officer shall be reported to the  
53 Commissioner of Wildlife, Fisheries and Parks as required by law.  
54 It shall not be necessary to enter traffic misdemeanor cases in  
55 the municipal court docket.

56 (3) For the purposes of this section:

57 (a) The term "fine" means, in addition to the pecuniary  
58 punishment, all fees, costs, assessments and other charges  
59 required by law to be imposed in such cases.

60 (b) The term "traffic misdemeanor" means a violation of  
61 traffic or motor vehicle laws that do not require mandatory  
62 imprisonment upon conviction but shall not include repeat  
63 offenders where a sentence of imprisonment is likely and shall not  
64 include charges under the Mississippi Implied Consent Law.



65           (c) The term "game and fish misdemeanor" means a  
66 violation not punishable by imprisonment and charged by a  
67 conservation officer.

68           **SECTION 2.** Section 99-33-3, Mississippi Code of 1972, is  
69 amended as follows:

70           99-33-3. On affidavit of the commission of any crime, of  
71 which the justice court has jurisdiction, lodged with the justice  
72 court, the clerk shall, upon direction by a justice court judge of  
73 the county, issue a warrant for the arrest of the offender  
74 returnable forthwith or on a certain day to be named. The clerk,  
75 or the justice court judge to whom the case is assigned, shall  
76 issue subpoenas for witnesses as in civil cases, and the justice  
77 court judge may enter a conviction as provided in Section 99-19-3,  
78 or shall try and dispose of the case according to law; and, on  
79 conviction, shall order such punishment to be inflicted as the law  
80 provides; provided, however, that no fine imposed shall be in an  
81 amount less than Fifteen Dollars (\$15.00).

82           **SECTION 3.** Section 21-23-17, Mississippi Code of 1972, which  
83 provides for the waiver of trial and payment of fine without  
84 appearing in municipal court, is repealed.

85           **SECTION 4.** Section 63-9-29, Mississippi Code of 1972, which  
86 provides for the waiver of trial and payment of fine without  
87 appearing in justice court, is repealed.

88           **SECTION 5.** This act shall take effect and be in force from  
89 and after July 1, 2002.

