

By: Senator(s) Posey

To: Judiciary

SENATE BILL NO. 2824

1 AN ACT TO AMEND SECTION 63-11-19, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY PERFORMANCE OF NECESSARY CHEMICAL ANALYSIS OF BLOOD OR
3 BREATH OF THOSE CHARGED WITH DRIVING UNDER THE INFLUENCE; AND FOR
4 RELATED PURPOSES.

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

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

8 63-11-19. A chemical analysis of the person's breath, blood
9 or urine, to be considered valid under the provisions of this
10 section, shall have been performed according to methods acceptable
11 to the State Crime Laboratory created pursuant to Section 45-1-17
12 and the Commissioner of Public Safety and performed by an
13 individual possessing a valid permit issued by the State Crime
14 Laboratory for making such analysis. The State Crime Laboratory
15 and the Commissioner of Public Safety are authorized to approve
16 satisfactory techniques or methods, to ascertain the
17 qualifications and competence of individuals to conduct such
18 analyses, and to issue permits which shall be subject to
19 termination or revocation at the discretion of the State Crime
20 Laboratory. The State Crime Laboratory shall not approve the
21 permit required herein for any law enforcement officer other than
22 a member of the State Highway Patrol, a sheriff or his deputies, a
23 city policeman, an officer of a state-supported institution of
24 higher learning campus police force, a security officer appointed
25 and commissioned pursuant to the Pearl River Valley Water Supply
26 District Security Officer Law of 1978, a national park ranger, a
27 national park ranger technician, a military policeman stationed at
28 a United States military base located within this state other than



29 a military policeman of the Army or Air National Guard or of
30 Reserve Units of the Army, Air Force, Navy or Marine Corps, a
31 marine law enforcement officer employed by the Department of
32 Marine Resources, or a conservation officer employed by the
33 Mississippi Department of Wildlife, Fisheries and Parks. The
34 permit given a conservation officer or a marine law enforcement
35 officer shall authorize such officer to administer tests only for
36 violations of Sections 59-23-1 through 59-23-7.

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

42 **SECTION 2.** This act shall take effect and be in force from
43 and after its passage.

