

By: Representative Compretta

To: Transportation

HOUSE BILL NO. 1095

1 AN ACT TO AMEND SECTION 63-9-21, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT TICKETS ISSUED UNDER THE UNIFORM TRAFFIC TICKET LAW
3 MAY BE ISSUED BY COMPUTER OR ELECTRONIC MEANS; TO PRESCRIBE THE
4 MANNER IN WHICH TICKETS ISSUED BY COMPUTER OR ELECTRONIC MEANS MAY
5 BE FILED WITH THE COURT AND COPIES THEREOF DISSEMINATED; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-9-21, Mississippi Code of 1972, is
9 amended as follows:

10 63-9-21. (1) This section shall be known as the Uniform
11 Traffic Ticket Law.

12 (2) All traffic tickets, except traffic tickets filed
13 electronically as provided under subsection (8) of this section,
14 shall be printed in the original and at least two (2) copies and
15 such other copies as may be prescribed by the State Auditor. All
16 traffic tickets shall be uniform as prescribed by the State
17 Auditor and the Attorney General, except as otherwise provided in
18 subsection (3)(b) and except that such state officers may alter
19 the form and content of traffic tickets to meet the varying
20 requirements of the different law enforcement agencies. The State
21 Auditor and the Attorney General shall prescribe a separate
22 traffic ticket, consistent with the provisions of subsection
23 (3)(b) of this section, to be used exclusively for violations of
24 the Mississippi Implied Consent Law.

25 (3) (a) Except as otherwise provided in paragraph (b) of
26 this subsection, every traffic ticket issued by any sheriff,
27 deputy sheriff, constable, county patrol officer, municipal police
28 officer or State Highway Patrol officer for any violation of
29 traffic or motor vehicle laws shall be issued on the uniform



30 traffic ticket consisting of an original and at least two (2)
31 copies and such other copies as may be prescribed by the State
32 Auditor.

33 (b) The traffic ticket, citation or affidavit which is
34 issued to a person arrested for a violation of the Mississippi
35 Implied Consent Law shall be uniform throughout all jurisdictions
36 in the State of Mississippi. It shall contain a place for the
37 trial judge hearing the case or accepting the guilty plea, as the
38 case may be, to sign, stating that the person arrested either
39 employed an attorney or waived his right to an attorney after
40 having been properly advised of his right to have an attorney. If
41 the person arrested employed an attorney, the name, address and
42 telephone number of the attorney shall be written on the ticket,
43 citation or affidavit.

44 (c) Every traffic ticket shall show, among other
45 necessary information, the name of the issuing officer, the name
46 of the court in which the cause is to be heard, and the date and
47 time such person is to appear to answer the charge. The ticket
48 shall include information which will constitute a complaint
49 charging the offense for which the ticket was issued, and when
50 duly sworn to and filed with a court of competent jurisdiction,
51 prosecution may proceed thereunder.

52 (4) All traffic tickets shall be bound in book form, shall
53 be consecutively numbered and each traffic ticket shall be
54 accounted for to the officer issuing such book. Said traffic
55 ticket books shall be issued to sheriffs, deputy sheriffs,
56 constables and county patrol officers by the chancery clerk of
57 their respective counties, to each municipal police officer by the
58 clerk of the municipal court, and to each State Highway Patrol
59 officer by the Commissioner of Public Safety.

60 (5) The chancery clerk, clerk of the municipal court and the
61 Commissioner of Public Safety shall keep a record of all traffic



62 ticket books issued and to whom issued, accounting for all books
63 printed and issued.

64 (6) The original traffic ticket, unless the traffic ticket
65 is filed electronically as provided under subsection (8) of this
66 section, shall be delivered by the officer issuing the traffic
67 ticket to the clerk of the court to which it is returnable to be
68 retained in that court's records and the number noted on the
69 docket. The officer issuing the traffic ticket shall also give
70 the accused a copy of the traffic ticket. The clerk of the court
71 shall file a copy with the State Auditor within forty-five (45)
72 days after judgment is rendered showing the amount of the fine and
73 cost or, in cases in which no judgment has been rendered, within
74 one hundred twenty (120) days after issuance of the ticket. Other
75 copies that are prescribed by the State Auditor pursuant to this
76 section shall be filed or retained as may be designated by the
77 State Auditor. All copies shall be retained for at least two (2)
78 years.

79 (7) Failure to comply with the provisions of this section
80 shall constitute a misdemeanor and, upon conviction, shall be
81 punishable by a fine of not less than Ten Dollars (\$10.00) nor
82 more than One Hundred Dollars (\$100.00).

83 (8) (a) Law enforcement officers and agencies may file
84 traffic tickets by computer or electronic means if the ticket
85 conforms in all substantive respects, including layout and
86 content, as provided under subsection (2) of this section. The
87 provisions of subsection (4) of this section requiring tickets
88 bound in book form do not apply to a ticket that is produced by
89 computer or electronic means.

90 (b) If a ticket is issued at the scene of an alleged
91 offense, the issuing officer must provide the defendant with a
92 paper copy of the ticket. A law enforcement officer who files a
93 ticket electronically shall be considered to have certified the



94 ticket and has the same rights, responsibilities and liabilities
95 as with all other tickets issued pursuant to this section.

96 (c) The provisions of this subsection (8) do not apply
97 to tickets issued for a violation of the Mississippi Implied
98 Consent Law.

99 **SECTION 2.** This act shall take effect and be in force from
100 and after July 1, 2003.

