SENATE BILL NO. 2286

AN ACT TO CREATE A TASK FORCE TO MAKE RECOMMENDATIONS CONCERNING THE UTILIZATION OF RADAR BY LOCAL JURISDICTIONS NOT OTHERWISE AUTHORIZED TO USE SUCH SPEED DETECTION EQUIPMENT; TO AMEND SECTION 63-3-519, MISSISSIPPI CODE OF 1972, TO ALLOW COUNTIES AND MUNICIPALITIES THAT ARE NOT AUTHORIZED TO DO SO TO UTILIZE RADAR UNDER CERTAIN CONDITIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) There is hereby created a task force to conduct a study of expanding the use of radar by counties and municipalities in Mississippi which were not authorized to do so prior to the effective date of this act. The membership of the task force shall be composed of the following members:

(a) The Executive Director of the Mississippi Department of Transportation, who will serve as temporary chairman of the task force;

(b) The President of the Sheriff's Association;

(c) The President of the Supervisor's Association;

(d) The President of the Police Chief's Association;

(e) The President of the Municipal Association; and

(f) The Commissioner of Public Safety.

(2) The task force shall make a report of its findings and recommendations regarding the implementation of the expanded use of radar provisions of this act to the Department of Public Safety not later than October 1, 2003. The report shall include any recommended necessary legislation for the consideration of the Commissioner of Public Safety to propose to the Legislature for implementation in the 2004 Regular Session.

(3) The temporary chairman of the task force shall call a meeting within thirty (30) days of the passage of this bill and...
the task force shall elect a chairman from its membership, in
addition to such other officers as it may deem appropriate. A
majority of the members of the committee shall constitute a
quorum. All members shall be notified in writing of all meetings,
such notices to be mailed at least five (5) days prior to the date
on which a meeting is to be held.

(4) All agencies and divisions of agencies affected by this
study and review are hereby directed to cooperate with the task
force in formulating and preparing its recommendations.

(5) The task force is empowered to utilize staff already
employed by the Departments of Public Safety and Transportation
and any other assistance made available to it.

(6) Upon presentation of its final report, the task force
shall be dissolved.

SECTION 2. Section 63-3-519, Mississippi Code of 1972, is
amended as follows:

63-3-519 (1) Except as provided in subsection (2) of this
section, it shall be unlawful for any person or peace officer or
law enforcement agency, except the Mississippi Highway Safety
Patrol, to purchase or use or allow to be used any type of radar
speed detection equipment upon any public street, road or highway
of this state. However, such equipment may be used:

(a) By municipal law enforcement officers within a
municipality having a population of two thousand (2,000) or more
upon the public streets of the municipality;

(b) By any college or university campus police force
within the confines of any campus wherein more than two thousand
(2,000) students are enrolled;

(c) By municipal law enforcement officers in any
municipality having a population in excess of fifteen thousand
(15,000) according to the latest federal census on federally
designated highways lying within the corporate limits.
(2) Municipalities and counties not authorized to utilize radar under subsection (1) of this section may do so under the following terms and conditions:

(a) The governing body of the jurisdiction must make the request to the Department of Public Safety, and the request shall be spread upon the minutes of the governing body.

(b) The jurisdiction must submit a plan to the Department of Public Safety assessing the propriety of all the posted speed limits within the jurisdiction, and the Department of Public Safety must investigate and certify whether the posted speed limits are appropriate.

(c) Radar may not be utilized within one-half (1/2) mile of the boundaries of the jurisdiction.

(d) All roads entering the jurisdiction must be clearly marked with signs and blinking lights that the jurisdiction utilizes radar speed detection equipment.

(e) Radar may not be used on any road with a speed limit of less than thirty-five (35) miles per hour.

(f) The Department of Public Safety may issue suggested amendments of the plan to the requesting jurisdiction and, if the governing body amends its request, the amendment similarly shall be spread upon the minutes.

(g) If the Department of Public Safety finds that the use of radar speed detection equipment by the jurisdiction as proposed is appropriate, the commissioner shall issue approval of the plan and the jurisdiction will thereafter be authorized to utilize radar speed detection equipment within the parameters of the approved plan.

(3) The Mississippi Highway Safety Patrol will not set up radar on highways within municipalities with a population in excess of fifteen thousand (15,000) according to the latest federal census.
SECTION 3. Section 1 of this act shall take effect and be in force from and after its passage; Section 2 of this act shall take effect and be in force from and after July 1, 2004.