

By: Senator(s) Smith

To: Judiciary

SENATE BILL NO. 2286

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

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

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

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

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

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

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

19 (e) The President of the Municipal Association; and

20 (f) The Commissioner of Public Safety.

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

28 (3) The temporary chairman of the task force shall call a
29 meeting within thirty (30) days of the passage of this bill and



30 the task force shall elect a chairman from its membership, in
31 addition to such other officers as it may deem appropriate. A
32 majority of the members of the committee shall constitute a
33 quorum. All members shall be notified in writing of all meetings,
34 such notices to be mailed at least five (5) days prior to the date
35 on which a meeting is to be held.

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

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

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

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

46 63-3-519 (1) Except as provided in subsection (2) of this
47 section, it shall be unlawful for any person or peace officer or
48 law enforcement agency, except the Mississippi Highway Safety
49 Patrol, to purchase or use or allow to be used any type of radar
50 speed detection equipment upon any public street, road or highway
51 of this state. However, such equipment may be used:

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

55 (b) By any college or university campus police force
56 within the confines of any campus wherein more than two thousand
57 (2,000) students are enrolled;

58 (c) By municipal law enforcement officers in any
59 municipality having a population in excess of fifteen thousand
60 (15,000) according to the latest federal census on federally
61 designated highways lying within the corporate limits.



62 (2) Municipalities and counties not authorized to utilize
63 radar under subsection (1) of this section may do so under the
64 following terms and conditions:

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

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

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

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

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

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

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

90 (3) The Mississippi Highway Safety Patrol will not set up
91 radar on highways within municipalities with a population in
92 excess of fifteen thousand (15,000) according to the latest
93 federal census.



94 **SECTION 3.** Section 1 of this act shall take effect and be in
95 force from and after its passage; Section 2 of this act shall take
96 effect and be in force from and after July 1, 2004.

