

By: Representatives Frierson, Janus

To: Wildlife, Fisheries and
Parks

HOUSE BILL NO. 1260

1 AN ACT TO AMEND SECTION 59-23-3, MISSISSIPPI CODE OF 1972, TO
2 REMOVE A REDUNDANT REFERENCE TO THE DEPARTMENT OF WILDLIFE,
3 FISHERIES AND PARKS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 59-23-3, Mississippi Code of 1972, is
6 amended as follows:

7 59-23-3. For the purposes of this chapter, the following
8 terms shall have the following meanings unless the context shall
9 prescribe otherwise:

10 (a) "Chemical test" means an analysis of a person's
11 blood, breath, urine or other bodily substance for the
12 determination of the presence of alcohol or any other substance
13 which may impair a person's mental or physical ability.

14 * * *

15 (b) "Intoxicated" means under the influence of alcohol
16 or any combination of alcohol, controlled substance or drugs, so
17 that there is impaired thought and action and loss of normal
18 control of a person's faculties to such an extent as to endanger
19 any person.

20 (c) "Law enforcement officer" means an officer
21 described in Section 63-11-19 * * *.

22 (d) "Prima facie evidence of intoxication" includes
23 evidence that at the time of an alleged violation there was ten
24 one-hundredths percent (.10%) or more by weight of alcohol in the
25 person's blood.

26 (e) "Public waters" means all public waters over which
27 the state has jurisdiction.

28 (f) "Watercraft" means a motorized vessel with a motor
29 of twenty-five (25) horsepower or greater used for transportation
30 on public waters and personal watercraft (jet skis).

31 (g) "Operates a watercraft" or "operation of a
32 watercraft" shall mean a watercraft that is underway in the water.

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