

By: Senator(s) Chaney, White, King

To: Judiciary, Division B

SENATE BILL NO. 2301

1 AN ACT TO AMEND SECTION 63-3-519, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY TO PERMIT THE  
3 SHERIFF AND DEPUTY SHERIFFS OF THE COUNTY TO USE RADAR SPEED  
4 DETECTION DEVICES ON THE ROADS, STREETS AND HIGHWAYS OF THE  
5 COUNTY; TO PROVIDE THAT SUCH AUTHORITY SHALL BE SUBJECT TO  
6 APPROVAL BY THE QUALIFIED ELECTORS OF THE COUNTY UPON A REFERENDUM  
7 HELD ON THE QUESTION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 63-3-519, Mississippi Code of 1972, is  
10 amended as follows:

11 63-3-519. (1) It shall be unlawful for any person or peace  
12 officer or law enforcement agency, except the Mississippi Highway  
13 Safety Patrol, to purchase or use or allow to be used any type of  
14 radar speed detection equipment upon any public street, road or  
15 highway of this state. However, such equipment may be used:

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

19 (b) By any college or university campus police force  
20 within the confines of any campus wherein more than two thousand  
21 (2,000) students are enrolled;

22 (c) By municipal law enforcement officers in any  
23 municipality having a population in excess of fifteen thousand  
24 (15,000) according to the latest federal census on federally  
25 designated highways lying within the corporate limits; and

26 (d) Subject to the provisions of subsection (2) of this  
27 section, by the sheriff and his deputies of any county on any  
28 public road, street or highway under the jurisdiction of the

29 county, which road, street or highway is located outside the  
30 corporate limits of a municipality.

31 (2) (a) The board of supervisors of any county, in its  
32 discretion, by order duly adopted and entered upon its minutes,  
33 may authorize the use of radar speed detection devices by the  
34 sheriff and his deputies on county roads, streets and highways as  
35 described under paragraph (1)(d) of this section. However, before  
36 such order may become effective, the question of whether or not  
37 the sheriff and his deputies may use radar speed detection devices  
38 on the county roads must be submitted to and approved by a vote of  
39 the qualified electors of the county. The question may be  
40 submitted at a regularly scheduled election or at a special  
41 election to be held for such purpose throughout the county. The  
42 election shall be held and conducted by the county election  
43 commissioners on a date fixed by the order of the board of  
44 supervisors. Notice of the election must be given by publishing  
45 the notice once each week for at least three (3) consecutive weeks  
46 in some newspaper published in the county or, if no newspaper be  
47 published therein, by publishing the notice in a newspaper in an  
48 adjoining county having a general circulation in the county  
49 involved. The election may be held not earlier than seven (7)  
50 days from the last publication of the notice and shall be held and  
51 conducted, as far as practicable, in the same manner as is  
52 provided by law for the holding of general elections. The ballots  
53 used at the election must contain a brief statement of the  
54 proposition submitted and, on separate lines, the words "I vote  
55 FOR the authority of the sheriff and his deputies to use radar  
56 speed detection devices on county roads ( )" "I vote AGAINST the  
57 authority of the sheriff and his deputies to use radar speed  
58 detection devices on county roads ( )" with appropriate boxes in  
59 which the voters may express their choice. All qualified electors  
60 may vote by marking the ballot with a cross (x) or check (✓) mark  
61 opposite the words of their choice.

62           (b) The election commissioners shall canvass and  
63 determine the results of the election, and shall certify the  
64 results to the board of supervisors which shall adopt and spread  
65 upon its minutes an order declaring the results. If, in such  
66 election, a majority of the qualified electors participating  
67 therein shall vote in favor of the proposition, then the order  
68 adopted by the board of supervisors authorizing the sheriff and  
69 his deputies to use radar speed detection devices on county roads,  
70 streets and highways outside the corporate limits of a  
71 municipality shall become effective on the date set forth in the  
72 order. If, on the other hand, a majority of the qualified  
73 electors participating in the election vote against the  
74 proposition, then the provisions of paragraph (1)(d) of this  
75 section shall not be applicable in such county. In either case,  
76 no further election may be held in the county under the provisions  
77 of this section for a period of four (4) years from the date of  
78 the prior election and then only in accordance with the provisions  
79 of this section.

80           (3) The Mississippi Highway Safety Patrol shall not set up  
81 radar on highways within municipalities with a population in  
82 excess of fifteen thousand (15,000) according to the latest  
83 federal census.

84           **SECTION 2.** The Attorney General of the State of Mississippi  
85 shall submit this act, immediately upon approval by the Governor,  
86 or upon approval by the Legislature subsequent to a veto, to the  
87 Attorney General of the United States or to the United States  
88 District Court for the District of Columbia in accordance with the  
89 provisions of the Voting Rights Act of 1965, as amended and  
90 extended.

91           **SECTION 3.** This act shall take effect and be in force from  
92 and after the date it is effectuated under Section 5 of the Voting  
93 Rights Act of 1965, as amended and extended.