

By: Representatives Baker (74th), Moore

To: Judiciary A

HOUSE BILL NO. 96

1 AN ACT TO AMEND SECTION 63-11-25, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THAT A PETITION FOR REVIEW OF AN APPEAL OF THE  
3 FORFEITURE, SUSPENSION OR DENIAL OF ISSUANCE OF A LICENSE SHALL BE  
4 SERVED ON THE PROSECUTOR; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 63-11-25, Mississippi Code of 1972, is  
7 amended as follows:

8 63-11-25. (1) If the forfeiture, suspension or denial of  
9 issuance is sustained by the Commissioner of Public Safety, or his  
10 duly authorized agent pursuant to subsection (1) of Section  
11 63-11-23, upon such hearing, the person aggrieved may file within  
12 ten (10) days after the rendition of such decision a petition in  
13 the circuit or county court having original jurisdiction of the  
14 violation for review of such decision and such hearing upon review  
15 shall proceed as a trial de novo before the court without a jury.  
16 Provided further, that no such party shall be allowed to exercise  
17 the driving privilege while any such appeal is pending.

18 (2) The petition referred to in subsection (1) shall include  
19 the date of the arrest, name of the agency and the name of the  
20 officer who arrested the petitioner along with a copy of the  
21 notification of the suspension of the petitioner's driver's  
22 license and the petition shall be served upon the prosecutor in  
23 the court in which the appeal has been filed and no hearing will  
24 be set until such service upon the prosecutor responsible for  
25 representing the state at the hearing has been accomplished.

26 **SECTION 2.** This act shall take effect and be in force from  
27 and after July 1, 2006.