

By: Senator(s) Chaney

To: Judiciary, Division B

SENATE BILL NO. 2312

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.