

By: Senator(s) Ross

To: Judiciary, Division A

SENATE BILL NO. 2486

1 AN ACT TO AMEND SECTION 63-11-25, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE NOTICE TO THE PROSECUTOR OF ANY APPEAL OF DRIVER'S
3 LICENSE SUSPENSION FOR DRIVING UNDER THE INFLUENCE; AND FOR
4 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. If the forfeiture, suspension or denial of
9 issuance is sustained upon hearing by the Commissioner of Public
10 Safety or his duly authorized agent pursuant to subsection (1) of
11 Section 63-11-23, * * * the person aggrieved may file a petition
12 in the circuit or county court having original jurisdiction of the
13 violation triggering the forfeiture, suspension or denial within
14 ten (10) days after the rendition of the decision * * * for review
15 of the commissioner's decision, and the hearing upon review shall
16 proceed as a trial de novo before the court without a jury. The
17 petition shall include the date of the arrest triggering the
18 forfeiture, suspension or denial, the identity of the agency
19 responsible for the arrest of the petitioner and a copy of the
20 commissioner's notification of the suspension of the petitioner's
21 driver's license. The petition shall be served upon the
22 prosecutor charged with representing the state under Section
23 63-11-23, and the petition shall not be set for hearing until
24 service upon the prosecutor is complete. However, the petitioner
25 may not exercise the driving privilege while the appeal is
26 pending.

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