

By: Representative Baker (74th)

To: Judiciary A

HOUSE BILL NO. 194

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, 2007.

