

By: Senator(s) Ross

To: Judiciary, Division A

SENATE BILL NO. 2037

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 mailing of the rendition of the  
15 decision \* \* \* for review of the commissioner's decision, and the  
16 hearing upon review shall proceed as a trial de novo before the  
17 court without a jury. The petition shall include the date of the  
18 arrest triggering the forfeiture, suspension or denial, the  
19 identity of the agency responsible for the arrest of the  
20 petitioner and a copy of the commissioner's notification of the  
21 suspension of the petitioner's driver's license. The petition  
22 shall be served upon the prosecutor charged with representing the  
23 state under Section 63-11-23, and the petition shall not be set  
24 for hearing until service upon the prosecutor is complete.  
25 However, the petitioner may not exercise the driving privilege  
26 while the appeal is pending.

27 **SECTION 2.** This act shall take effect and be in force from  
28 and after July 1, 2007.