

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2919
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 63-9-21, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE INFORMATION ALLOWED TO BE REQUESTED ON THE UNIFORM
3 TRAFFIC CITATION FORM PROMULGATED BY THE STATE AUDITOR AND
4 ATTORNEY GENERAL; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 63-9-21, Mississippi Code of 1972, is
7 amended as follows:

8 63-9-21. (1) This section shall be known as the Uniform
9 Traffic Ticket Law.

10 (2) All traffic tickets, except traffic tickets filed
11 electronically as provided under subsection (8) of this section,
12 shall be printed in the original and at least two (2) copies and
13 such other copies as may be prescribed by the State Auditor. All
14 traffic tickets shall be uniform as prescribed by the State
15 Auditor and the Attorney General, except as otherwise provided in
16 subsection (3)(b) and except that such state officers may alter
17 the form and content of traffic tickets to meet the varying
18 requirements of the different law enforcement agencies. The State
19 Auditor and the Attorney General shall prescribe a separate
20 traffic ticket, consistent with the provisions of subsection
21 (3)(b) of this section, to be used exclusively for violations of
22 the Mississippi Implied Consent Law.

23 (3) (a) Except as otherwise provided in paragraph (b) of
24 this subsection, every traffic ticket issued by any sheriff,
25 deputy sheriff, constable, county patrol officer, municipal police
26 officer or State Highway Patrol officer for any violation of
27 traffic or motor vehicle laws shall be issued on the uniform
28 traffic ticket consisting of an original and at least two (2)



29 copies and such other copies as may be prescribed by the State
30 Auditor.

31 (b) The traffic ticket, citation or affidavit which is
32 issued to a person arrested for a violation of the Mississippi
33 Implied Consent Law shall be uniform throughout all jurisdictions
34 in the State of Mississippi. It shall contain a place for the
35 trial judge hearing the case or accepting the guilty plea, as the
36 case may be, to sign, stating that the person arrested either
37 employed an attorney or waived his right to an attorney after
38 having been properly advised of his right to have an attorney. If
39 the person arrested employed an attorney, the name, address and
40 telephone number of the attorney shall be written on the ticket,
41 citation or affidavit.

42 (c) Every traffic ticket shall show, among other
43 necessary information, the name of the issuing officer, the name
44 of the court in which the cause is to be heard, and the date and
45 time such person is to appear to answer the charge. The ticket
46 shall include information which will constitute a complaint
47 charging the offense for which the ticket was issued, and when
48 duly sworn to and filed with a court of competent jurisdiction,
49 prosecution may proceed thereunder.

50 (d) The traffic ticket shall contain a space to include
51 the current address and current telephone number of the person
52 being charged. It shall not contain a space to include the social
53 security number of the person being charged; this provision does
54 not affect the right a person may have under other law to use the
55 person's social security number as the person's driver's license
56 number.

57 (4) All traffic tickets, except traffic tickets filed
58 electronically under subsection (8) of this section, shall be
59 bound in book form, shall be consecutively numbered and each
60 traffic ticket shall be accounted for to the officer issuing such
61 book. Said traffic ticket books shall be issued to sheriffs,



62 deputy sheriffs, constables and county patrol officers by the
63 chancery clerk of their respective counties, to each municipal
64 police officer by the clerk of the municipal court, and to each
65 State Highway Patrol officer by the Commissioner of Public Safety.

66 (5) The chancery clerk, clerk of the municipal court and the
67 Commissioner of Public Safety shall keep a record of all traffic
68 ticket books issued and to whom issued, accounting for all books
69 printed and issued.

70 (6) The original traffic ticket, unless the traffic ticket
71 is filed electronically as provided under subsection (8) of this
72 section, shall be delivered by the officer issuing the traffic
73 ticket to the clerk of the court to which it is returnable to be
74 retained in that court's records and the number noted on the
75 docket. The officer issuing the traffic ticket shall also give
76 the accused a copy of the traffic ticket. The clerk of the court
77 shall file a copy with the State Auditor within forty-five (45)
78 days after judgment is rendered showing the amount of the fine and
79 cost or, in cases in which no judgment has been rendered, within
80 one hundred twenty (120) days after issuance of the ticket. Other
81 copies that are prescribed by the State Auditor pursuant to this
82 section shall be filed or retained as may be designated by the
83 State Auditor. All copies shall be retained for at least two (2)
84 years.

85 (7) Failure to comply with the provisions of this section
86 shall constitute a misdemeanor and, upon conviction, shall be
87 punishable by a fine of not less than Ten Dollars (\$10.00) nor
88 more than One Hundred Dollars (\$100.00).

89 (8) (a) Law enforcement officers and agencies may file
90 traffic tickets by computer or electronic means if the ticket
91 conforms in all substantive respects, including layout and
92 content, as provided under subsection (2) of this section. The
93 provisions of subsection (4) of this section requiring tickets



94 bound in book form do not apply to a ticket that is produced by
95 computer or electronic means. Information concerning tickets
96 produced by computer or electronic means shall be available for
97 public inspection in substantially the same manner as provided for
98 the uniform tickets described in subsection (2) of this section.

99 (b) The defendant shall be provided with a paper copy
100 of the ticket. A law enforcement officer who files a ticket
101 electronically shall be considered to have certified the ticket
102 and has the same rights, responsibilities and liabilities as with
103 all other tickets issued pursuant to this section.

104 (c) The provisions of this subsection (8) do not apply
105 to tickets issued for a violation of the Mississippi Implied
106 Consent Law.

107 **SECTION 2.** This act shall take effect and be in force from
108 and after July 1, 2009.

