

By: Representative Carpenter

To: Judiciary B

HOUSE BILL NO. 1071

1 AN ACT TO PROVIDE A FEE FOR THE USE OF ELECTRONIC CITATIONS
2 FOR CERTAIN OFFENSES; TO AMEND SECTION 63-9-21, MISSISSIPPI CODE
3 OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** (1) As used in this section, "electronic
6 citation" means the process of transmitting traffic, misdemeanor,
7 municipal ordinance, conservation, or other citations and law
8 enforcement data via electronic means to a circuit court clerk.

9 (2) To defray the expense of establishing and maintaining
10 electronic citations, each clerk of court shall charge and collect
11 an electronic citation fee of Five Dollars (\$5.00). The fee shall
12 be paid by the defendant in any traffic, misdemeanor, municipal
13 ordinance, or conservation citation issued upon a plea of guilty,
14 judgment of guilty or grant of supervision. This fee shall be in
15 addition to all other fees and charges and assessable as costs and
16 shall not be subject to disbursement under this act. Sixty
17 percent (60%) of the fee shall be deposited into the Court Clerk
18 Electronic Citation Fund which each clerk shall establish within



19 sixty (60) days after the effective date of this act and forty
20 percent (40%) of the fee shall be disbursed to the arresting
21 agency to defray expenses related to the establishment and
22 maintenance of electronic citations. The clerk shall be the
23 custodian, ex officio, of the Court Clerk Electronic Citation Fund
24 and shall use the fund to perform the duties required by the
25 office for establishing and maintaining electronic citations. The
26 clerk of court shall not charge and collect an electronic citation
27 fee if the board of supervisors or municipal governing authorities
28 have by ordinance elected not to be subject to the provisions of
29 this section. Any funds collected under this section before such
30 an ordinance takes effect shall be disbursed to the Department of
31 Public Safety for expenses related to the establishment and
32 maintenance of electronic citations.

33 **SECTION 2.** Section 63-9-21, Mississippi Code of 1972, is
34 amended as follows:

35 63-9-21. (1) This section shall be known as the Uniform
36 Traffic Ticket Law.

37 (2) All traffic tickets, except traffic tickets filed
38 electronically as provided under subsection (8) of this section,
39 shall be printed in the original and at least two (2) copies and
40 such other copies as may be prescribed by the Commissioner of
41 Public Safety. All traffic tickets shall be uniform as prescribed
42 by the Commissioner of Public Safety and the Attorney General,
43 except as otherwise provided in subsection (3)(b) and except that



44 the Commissioner of Public Safety and the Attorney General may
45 alter the form and content of traffic tickets to meet the varying
46 requirements of the different law enforcement agencies. The
47 Commissioner of Public Safety and the Attorney General shall
48 prescribe a separate traffic ticket, consistent with the
49 provisions of subsection (3)(b) of this section, to be used
50 exclusively for violations of the Mississippi Implied Consent Law.

51 (3) (a) Every traffic ticket issued by any sheriff, deputy
52 sheriff, constable, county patrol officer, municipal police
53 officer or State Highway Patrol officer for any violation of
54 traffic or motor vehicle laws shall be issued on the uniform
55 traffic ticket or uniform implied consent violation ticket
56 consisting of an original and at least two (2) copies and such
57 other copies as may be prescribed by the Commissioner of Public
58 Safety.

59 (b) The traffic ticket, citation or affidavit issued to
60 a person arrested for a violation of the Mississippi Implied
61 Consent Law shall contain a place for the trial judge hearing the
62 case or accepting the guilty plea, as the case may be, to sign,
63 stating that the person arrested either employed an attorney or
64 waived his right to an attorney after having been properly advised
65 of his right to have an attorney. If the person arrested employed
66 an attorney, the name, address and telephone number of the
67 attorney shall be entered or written on the ticket, citation or
68 affidavit.



69 (c) Every traffic ticket shall show, among other
70 necessary information, the name of the issuing officer, the name
71 of the court in which the cause is to be heard, and the date and
72 time the person is to appear to answer the charge. The ticket
73 shall include information that will constitute a complaint
74 charging the offense for which the ticket was issued, and when
75 duly sworn to and filed with a court of competent jurisdiction,
76 prosecution may proceed thereunder.

77 (d) The traffic ticket shall contain a space to include
78 the current address and current telephone number of the person
79 being charged. It shall not contain a space to include the social
80 security number of the person being charged.

81 (4) All traffic tickets, except traffic tickets filed
82 electronically under subsection (8) of this section, shall be
83 bound in book form, shall be consecutively numbered and each
84 traffic ticket shall be accounted for to the officer issuing such
85 book. The traffic ticket books shall be issued to sheriffs,
86 deputy sheriffs, constables and county patrol officers by the
87 chancery clerk of their respective counties, to each municipal
88 police officer by the clerk of the municipal court, and to each
89 State Highway Patrol officer by the Commissioner of Public Safety.

90 (5) The chancery clerk, clerk of the municipal court and the
91 Commissioner of Public Safety shall keep a record of all traffic
92 ticket books issued and to whom issued, accounting for all books
93 printed and issued. All traffic tickets submitted electronically



94 shall be filed automatically with the Commissioner of Public
95 Safety and either the clerk of the municipal court or clerk of the
96 justice court using the system of electronic submission for the
97 purpose of maintaining a record of account as prescribed by this
98 subsection (5).

99 (6) The original traffic ticket, unless the traffic ticket
100 is filed electronically as provided under subsection (8) of this
101 section, shall be delivered by the officer issuing the traffic
102 ticket to the clerk of the court to which it is returnable to be
103 retained in that court's records and the number noted on the
104 docket. However, if a ticket is issued and the person is
105 incarcerated based upon the conduct for which the ticket was
106 issued, the ticket shall be filed with the clerk of the court to
107 which it is returnable no later than 5:00 p.m. on the next
108 business day, excluding weekends and holidays, after the date and
109 time of the person's incarceration; however, failure to timely
110 file the traffic ticket shall not be grounds for dismissal of the
111 traffic ticket and shall not prevent the person's release from
112 incarceration. The officer issuing the traffic ticket shall also
113 give the accused a copy of the traffic ticket. The clerk of the
114 court shall file a copy with the Commissioner of Public Safety
115 within forty-five (45) days after judgment is rendered showing
116 such information about the judgment as may be required by the
117 commissioner or, in cases in which no judgment has been rendered,
118 within one hundred twenty (120) days after issuance of the ticket.



Other copies that are prescribed by the commissioner pursuant to this section shall be filed or retained as may be designated by the commissioner. All copies shall be retained for at least two (2) years.

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

(8) (a) Law enforcement officers and agencies may file traffic tickets, including tickets issued for a violation of the Mississippi Implied Consent Law, by computer or electronic means if the ticket conforms in all substantive respects, including layout and content, as provided under subsections (2) or (3) (b) of this section and subject to the provisions of Section 1 of House Bill No. , 2013 Regular Session. The provisions of subsection (4) of this section requiring tickets bound in book form do not apply to a ticket that is produced by computer or electronic means. Information concerning tickets produced by computer or electronic means shall be available for public inspection in substantially the same manner as provided for the uniform tickets described in subsection (2) of this section.

(b) The defendant shall be provided with a paper copy of the ticket. A law enforcement officer who files a ticket electronically shall be considered to have certified the ticket



143 and has the same rights, responsibilities and liabilities as with
144 all other tickets issued pursuant to this section.

145 **SECTION 3.** This act shall take effect and be in force from
146 and after July 1, 2013.

