

By: Representative Bomgar

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 91

1 A CONCURRENT RESOLUTION STATING THE LEGISLATURE'S OPPOSITION
 2 TO THE ENACTMENT OR ENFORCEMENT OF A LAW THAT MEETS THE
 3 REQUIREMENT OF 23 USCS SECTION 159, WHICH REQUIRES THAT THE
 4 DRIVER'S LICENSES OF PERSONS CONVICTED OF DRUG OFFENSES BE REVOKED
 5 OR SUSPENDED FOR A PERIOD OF SIX MONTHS, REGARDLESS OF WHETHER THE
 6 OFFENSE WAS RELATED TO THE OPERATION OF A MOTOR VEHICLE.

7 WHEREAS, in 1990, the Congress of the United States enacted
 8 23 USCS Section 159, which makes the apportionment of certain
 9 federal highway funding to a state contingent upon that state's
 10 enacting a law requiring that the driver's licenses of persons
 11 convicted of drug offenses be revoked or suspended for a period of
 12 at least six months, regardless of whether the offense was related
 13 to the operation of a motor vehicle; and

14 WHEREAS, the revocation or suspension of a driver's license
 15 may impose significant societal and economic hardships on the
 16 citizens of Mississippi, and constitutes excessive punishment when
 17 such revocation or suspension is unrelated to the underlying
 18 criminal offense; and



19 WHEREAS, as a matter of public policy the Legislature of the
20 State of Mississippi opposes the enactment or enforcement of a law
21 that meets the requirement of 23 USCS Section 159; and

22 WHEREAS, 23 USCS Section 159 provides that if the Governor
23 submits to the United States Secretary of Transportation a written
24 certification of his or her opposition to the enactment or
25 enforcement of state law that meets the requirements of 23 USCS
26 Section 159 and a written certification that the Legislature has
27 adopted a resolution expressing its opposition to such a law, then
28 no highway funds will be withheld:

29 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
30 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING
31 THEREIN, That we do hereby state our opposition to the enactment
32 or enforcement of any state law that conforms to the requirement
33 of 23 USCS Section 159.

34 BE IT FURTHER RESOLVED, That copies of this resolution be
35 forwarded to the Governor of the State of Mississippi so that the
36 Governor may submit a copy of the resolution to the United States
37 Secretary of Transportation, and to the members of the Capitol
38 Press Corps.

