

By: Senator(s) Parker

To: Highways and
Transportation;
Appropriations

SENATE BILL NO. 2634

1 AN ACT TO TRANSFER THE DRIVER SERVICES, STATE IDENTIFICATION
2 AND FIREARM PERMITTING RESPONSIBILITIES OF THE MISSISSIPPI
3 DEPARTMENT OF PUBLIC SAFETY TO THE OFFICE OF SECRETARY OF STATE
4 PURSUANT TO A MEMORANDUM OF UNDERSTANDING; TO AUTHORIZE THE
5 SECRETARY OF STATE TO PROMULGATE RULES AND REGULATIONS TO
6 FACILITATE THE TRANSFER; TO PROVIDE THAT DIGITAL IDENTIFICATION
7 ISSUED BY THE SECRETARY OF STATE SHALL BE A VALID AND ACCEPTABLE
8 FORM OF IDENTIFICATION; TO AUTHORIZE THE SECRETARY OF STATE TO
9 ENTER INTO VENDOR CONTRACTS TO FACILITATE THE TRANSFER; TO AMEND
10 SECTION 25-9-127, MISSISSIPPI CODE OF 1972, TO EXEMPT EMPLOYEES
11 SUBJECT TO THE TRANSFER FROM RULES AND REGULATIONS OF THE STATE
12 PERSONNEL BOARD; TO AMEND SECTIONS 45-35-1, 45-35-3, 45-35-7,
13 45-35-9, 45-35-11, 45-35-51, 45-35-53, 45-35-55, 45-35-61,
14 45-35-63, 45-35-65, 63-1-1, 63-1-3, 63-1-8, 63-1-9, 63-1-10,
15 63-1-11, 63-1-13, 63-1-15, 63-1-16, 63-1-17, 63-1-19, 63-1-21,
16 63-1-33, 63-1-34, 63-1-34.1, 63-1-35, 63-1-37, 63-1-45, 63-1-47,
17 63-1-49, 63-1-107, 63-1-202, 63-1-205, 63-1-208, 63-1-209,
18 63-1-210, 63-1-211, 63-1-214, 63-1-221, 63-1-226, 45-33-25,
19 45-33-27, 45-33-29, 45-33-31, 45-33-33, 45-33-35, 45-33-43,
20 45-9-101, 97-37-7, 97-37-9, 45-1-13, 45-1-37, 23-15-47, 23-15-49,
21 23-15-135, 23-15-169.1, 23-15-169.2, 41-39-139, 97-17-43, 9-1-49,
22 41-39-103, 63-16-13, 63-9-25, 23-15-7, 37-25-7, 41-39-127,
23 93-11-153, 63-15-4, 47-5-157, 45-1-12, 63-10-5, 63-11-5, 63-11-19,
24 63-11-21, 63-11-23, 63-11-30, 63-11-31, 63-11-31.1, 63-11-33 AND
25 63-11-37, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR
26 RELATED PURPOSES.

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

28 **SECTION 1. Coordination and continued use of current**

29 **facilities.** The Department of Public Safety shall coordinate with
30 the Secretary of State for the transfer of driver services, state



31 identification and firearm permitting responsibilities. The
32 Department of Public Safety shall make available necessary staff
33 and provide the Secretary of State with access to all necessary
34 files and systems. The Department of Public Safety and the
35 Secretary of State shall enter into a memorandum of understanding
36 to allow the Secretary of State to continue use of current driver
37 services facilities.

38 **SECTION 2. Rules and regulations.** The Secretary of State
39 shall promulgate rules and regulations under which this article
40 shall be implemented.

41 **SECTION 3. Acceptance of digital identification issued by**
42 **the Secretary of State.** Digital identification issued by the
43 Secretary of State shall be a valid and acceptable form of
44 identification for all purposes within the State of Mississippi.
45 Any individual presenting a valid digital identification issued by
46 the Secretary of State shall not also be required to produce or
47 have on his person a physical identification card.

48 **SECTION 4. Authorize Secretary of State to enter into**
49 **contracts for implementation of driver services functions.** The
50 Secretary of State may enter into any contract with vendors or
51 contractors intended to improve performance, reduce costs, or
52 increase efficiency, so long as the contract remains under the
53 supervision or control of the Secretary of State.

54 **SECTION 5.** Section 25-9-127, Mississippi Code of 1972, is
55 amended as follows:



56 25-9-127. (1) No employee of any department, agency or
57 institution who is included under this chapter or hereafter
58 included under its authority, and who is subject to the rules and
59 regulations prescribed by the state personnel system, may be
60 dismissed or otherwise adversely affected as to compensation or
61 employment status except for inefficiency or other good cause, and
62 after written notice and hearing within the department, agency or
63 institution as shall be specified in the rules and regulations of
64 the State Personnel Board complying with due process of law; and
65 any employee who has by written notice of dismissal or action
66 adversely affecting his compensation or employment status shall,
67 on hearing and on any appeal of any decision made in such action,
68 be required to furnish evidence that the reasons stated in the
69 notice of dismissal or action adversely affecting his compensation
70 or employment status are not true or are not sufficient grounds
71 for the action taken; provided, however, that this provision shall
72 not apply (a) to persons separated from any department, agency or
73 institution due to curtailment of funds or reduction in staff when
74 such separation is in accordance with rules and regulations of the
75 state personnel system; (b) during the probationary period of
76 state service of twelve (12) months; and (c) to an executive
77 officer of any state agency who serves at the will and pleasure of
78 the Governor, board, commission or other appointing authority.

79 (2) The operation of a state-owned motor vehicle without a
80 valid Mississippi driver's license by an employee of any



81 department, agency or institution that is included under this
82 chapter and that is subject to the rules and regulations of the
83 state personnel system shall constitute good cause for dismissal
84 of such person from employment.

85 (3) Beginning July 1, 1999, every male between the ages of
86 eighteen (18) and twenty-six (26) who is required to register
87 under the federal Military Selective Service Act, 50 USCS App.
88 453, and who is an employee of the state shall not be promoted to
89 any higher position of employment with the state until he submits
90 to the person, commission, board or agency by which he is employed
91 satisfactory documentation of his compliance with the draft
92 registration requirements of the Military Selective Service Act.
93 The documentation shall include a signed affirmation under penalty
94 of perjury that the male employee has complied with the
95 requirements of the Military Selective Service Act.

96 (4) For a period of two (2) years beginning July 1, 2014,
97 the provisions of subsection (1) shall not apply to the personnel
98 actions of the State Department of Education that are subject to
99 the rules and regulations of the State Personnel Board, and all
100 employees of the department shall be classified as nonstate
101 service during that period. However, any employee hired after
102 July 1, 2014, by the department shall meet the criteria of the
103 State Personnel Board as it presently exists for employment. The
104 State Superintendent of Public Education and the State Board of
105 Education shall consult with the Office of the Attorney General



106 before taking personnel actions authorized by this section to
107 review those actions for compliance with applicable state and
108 federal law.

109 It is not the intention or effect of this section to include
110 any school attendance officer in any exemption from coverage under
111 the State Personnel Board policy or regulations, including, but
112 not limited to, termination and conditions of employment.

113 (5) (a) For a period of two (2) years beginning July 1,
114 2015, the provisions of subsection (1) shall not apply to the
115 personnel actions of the Department of Corrections, and all
116 employees of the department shall be classified as nonstate
117 service during that period. However, any employee hired after
118 July 1, 2015, by the department shall meet the criteria of the
119 State Personnel Board as it presently exists for employment.

120 (b) Additionally, for a period of one (1) year
121 beginning July 1, 2016, the personnel actions of the Commissioner
122 of the Department of Corrections shall be exempt from State
123 Personnel Board rules, regulations and procedures in order to give
124 the commissioner flexibility in making an orderly, effective and
125 timely reorganization and realignment of the department.

126 (c) The Commissioner of Corrections shall consult with
127 the Office of the Attorney General before personnel actions
128 authorized by this section to review those actions for compliance
129 with applicable state and federal law.



130 (6) Through July 1, 2020, the provisions of subsection (1)
131 of this section shall not apply to the personnel actions of the
132 Department of Human Services that are subject to the rules and
133 regulations of the State Personnel Board, and all employees of the
134 department shall be classified as nonstate service during that
135 period. Any employee hired on or after July 1, 2020, by the
136 department shall meet the criteria of the State Personnel Board as
137 it presently exists for employment. The Executive Director of
138 Human Services shall consult with the Office of the Attorney
139 General before taking personnel actions authorized by this section
140 to review those actions for compliance with applicable state and
141 federal law.

142 (7) Through July 1, 2020, the provisions of subsection (1)
143 of this section shall not apply to the personnel actions of the
144 Department of Child Protection Services that are subject to the
145 rules and regulations of the State Personnel Board, and all
146 employees of the department shall be classified as nonstate
147 service during that period. Any employee hired on or after July
148 1, 2020, by the division shall meet the criteria of the State
149 Personnel Board as it presently exists for employment. The
150 Commissioner of Child Protection Services shall consult with the
151 Office of the Attorney General before taking personnel actions
152 authorized by this section to review those actions for compliance
153 with applicable state and federal law.



154 (8) Through July 1, 2022, the provisions of subsection (1)
155 of this section shall not apply to the personnel actions of the
156 Office of the Secretary of State relative to employees responsible
157 for driver services, state identification or firearm permitting
158 that are subject to the rules and regulations of the State
159 Personnel Board, and all said employees of the Secretary of State
160 shall be classified as nonstate service during that period. Any
161 such employee hired on or after July 1, 2022, by the Secretary of
162 State shall meet the criteria of the State Personnel Board as it
163 presently exists for employment. The Secretary of State shall
164 consult with the Office of the Attorney General before taking
165 personnel actions authorized by this section to review those
166 actions for compliance with applicable state and federal law.

167 (* * *9) Any state agency whose personnel actions are
168 exempted in this section from the rules, regulations and
169 procedures of the State Personnel Board shall file with the
170 Lieutenant Governor, the Speaker of the House of Representatives,
171 and the members of the Senate and House Accountability, Efficiency
172 and Transparency Committees an annual report no later than July
173 1, * * * 2020, and each year thereafter while under the exemption.
174 Such annual report shall contain the following information:

175 (a) The number of current employees who received an
176 increase in salary during the past fiscal year and the amount of
177 the increase;



178 (b) The number of employees who were dismissed from the
179 agency or otherwise adversely affected as to compensation or
180 employment status during the past fiscal year, including a
181 description of such adverse effects; and

182 (c) The number of new employees hired during the past
183 fiscal year and the starting salaries of each new employee.

184 **SECTION 6.** Section 45-35-1, Mississippi Code of 1972, is
185 amended as follows:

186 45-35-1. For the purposes of this chapter the following
187 words shall have the meanings herein ascribed unless the context
188 clearly requires otherwise:

189 (a) " * * * Agency" means the * * * Office of the
190 Secretary of State;

191 (b) " * * * Secretary" means the * * * Secretary of
192 State; and

193 (c) "Identification card" means a card or digital
194 identification issued under the provisions of this chapter
195 by * * * Office of the Secretary of State.

196 **SECTION 7.** Section 45-35-3, Mississippi Code of 1972, is
197 amended as follows:

198 45-35-3. (1) Any person six (6) years of age or older may
199 be issued an identification card by the * * * agency which is
200 certified by the registrant and attested by the * * * Secretary of
201 State as to true name, correct age and such other identifying data
202 as required by Section 45-35-5.



203 (2) The new, renewal or duplicate identification card of a
204 person required to register as a sex offender pursuant to Section
205 45-33-25 shall bear a designation identifying the cardholder as a
206 sex offender.

207 (3) The * * * Secretary of State is authorized to provide
208 the new, renewal or duplicate identification card to any honorably
209 discharged veteran as defined in Title 38 of the United States
210 Code, and such identification card shall exhibit the letters "Vet"
211 or any other mark identifying the person as a veteran. The
212 veteran requesting the "Vet" designation shall present his DD-214
213 or equivalent document that includes a notation from the state
214 Veterans Affairs Board that the applicant is a veteran.

215 **SECTION 8.** Section 45-35-7, Mississippi Code of 1972, is
216 amended as follows:

217 45-35-7. (1) (a) Except as provided in paragraph (b) of
218 this subsection (1), each applicant for an original or renewal
219 identification card issued pursuant to this chapter who is
220 entitled to issuance of such a card shall be issued * * * an
221 eight-year card * * *. Each card shall expire at midnight on the
222 cardholder's birthday and may be renewed any time within six (6)
223 months before the expiration date of the card upon application and
224 payment of the required fee.

225 (b) Any applicant who is blind, as defined in Section
226 43-6-1, upon payment of the fee prescribed in Section 63-1-43,
227 shall be issued an original or renewal identification card which



228 shall remain valid for a period of eight (8) years, shall expire
229 at midnight on the cardholder's birthday, and may be renewed any
230 time within six (6) months before the expiration date of the card
231 upon application and payment of the required fee.

232 (2) (a) Any applicant who is not a United States citizen,
233 upon payment of the fee prescribed in Section 63-1-43, shall be
234 issued an original or renewal identification card which shall
235 expire four (4) years from date of issuance or on the expiration
236 date of the applicant's authorized stay in the United States,
237 whichever is the lesser period of time, and may be renewed, if the
238 person is otherwise qualified to renew the license, within thirty
239 (30) days of expiration.

240 (b) An applicant for an original or renewal
241 identification card under paragraph (a) must present valid
242 documentary evidence documenting that the applicant:

243 (i) Is a citizen or national of the United States;

244 (ii) Is an alien lawfully admitted for permanent
245 or temporary residence in the United States;

246 (iii) Has conditional permanent residence status
247 in the United States;

248 (iv) Has an approved application for asylum in the
249 United States or has entered into the United States in refugee
250 status;



251 (v) Has a valid, unexpired nonimmigrant visa or
252 nonimmigrant visa status for entry into or lawful presence in the
253 United States;

254 (vi) Has a pending application for asylum in the
255 United States;

256 (vii) Has a pending or approved application for
257 temporary protected status in the United States;

258 (viii) Has approved deferred-action status;

259 (ix) Has pending an application for adjustment of
260 status to that of an alien lawfully admitted for permanent
261 residence in the United States or conditional permanent resident
262 status in the United States; or

263 (x) Has a valid employment authorization card
264 issued by the United States Department of Homeland Security.

265 (3) The fee for the issuance of an original or renewal
266 identification card shall be as prescribed in Section 63-1-43.

267 (4) Any person who, for medical reasons, surrenders his
268 unexpired driver's license, and any person whose unexpired
269 driver's license is suspended for medical reasons by the * * *
270 Secretary of State under Section 63-1-53(2) (e), upon request shall
271 be issued an identification card without payment of a fee. The
272 identification card shall be valid for a period of * * * eight (8)
273 years from its date of issue. Subsequent renewals shall be
274 subject to the fees prescribed in Section 63-1-43.



275 (5) The * * * agency shall maintain a record of all
276 identification cards issued.

277 (6) (a) Any male who is at least eighteen (18) years of age
278 but less than twenty-six (26) years of age and who applies for an
279 identification card or a renewal of an identification card under
280 this chapter shall be registered in compliance with the
281 requirements of Section 3 of the Military Selective Service Act,
282 50 USCS Appx 451 et seq., as amended.

283 (b) The * * * agency shall forward in an electronic
284 format the necessary personal information of the applicant to the
285 Selective Service System. The applicant's submission of the
286 application shall serve as an indication that the applicant either
287 has already registered with the Selective Service System or that
288 he is authorizing the * * * agency to forward to the Selective
289 Service System the necessary information for registration.
290 The * * * Secretary of State shall notify the applicant on, or as
291 a part of, the application that his submission of the application
292 will serve as his consent to registration with the Selective
293 Service System, if so required. The * * * Secretary of State also
294 shall notify any male applicant under the age of eighteen (18)
295 that he will be registered upon turning age eighteen (18) as
296 required by federal law.

297 **SECTION 9.** Section 45-35-9, Mississippi Code of 1972, is
298 amended as follows:



299 45-35-9. (1) If an identification card issued under this
300 chapter is lost, destroyed or mutilated, or a new name or other
301 updated information is required, the person to whom it was issued
302 may obtain a duplicate by furnishing the same identifying data as
303 for an original card and paying the fee prescribed in Section
304 63-1-43.

305 (2) Any person who loses an identification card and who,
306 after obtaining a duplicate, finds the original card shall
307 promptly surrender the original card to the * * * agency.

308 **SECTION 10.** Section 45-35-11, Mississippi Code of 1972, is
309 amended as follows:

310 45-35-11. All identification cards shall be centrally issued
311 by the * * * agency, adequately describe the registrant, bear a
312 color photograph of the registrant, and include other such
313 identifying data as required by Section 45-35-5.

314 **SECTION 11.** Section 45-35-51, Mississippi Code of 1972, is
315 amended as follows:

316 45-35-51. As used in this article, the term:

317 (a) " * * * Secretary" means the * * * Secretary of
318 State.

319 (b) " * * * Agency" means * * * Office of the Secretary
320 of State.

321 (c) "Disability" means any physical, mental or
322 neurological impairment which severely restricts a person's
323 mobility, manual dexterity or ability to climb stairs; substantial



324 loss of sight or hearing; loss of one or more limbs or use
325 thereof; or significantly diminished reasoning capacity.

326 (d) "Identification card for persons with disabilities"
327 means an identification card or digital identification issued as
328 provided in this article.

329 (e) "Permanent disability" means any disability which
330 is permanent in nature or which is expected to continue for a
331 period of at least five (5) years.

332 (f) "Person with disabilities" means any person with a
333 permanent or temporary disability.

334 (g) "Temporary disability" means any disability which
335 is expected to continue for at least six (6) months but less than
336 five (5) years.

337 **SECTION 12.** Section 45-35-53, Mississippi Code of 1972, is
338 amended as follows:

339 45-35-53. (1) The * * * Office of the Secretary of State
340 shall issue personal identification cards to persons with
341 disabilities who make application to the * * * agency in
342 accordance with rules and regulations prescribed by the * * *
343 Secretary of State * * *. The identification card for persons
344 with disabilities shall prominently display the international
345 handicapped symbol and, in addition to any other information
346 required by this article, may contain a recent color photograph of
347 the applicant and the following information:

348 (a) Full legal name;



349 (b) Address of residence;
350 (c) Birth date;
351 (d) Date identification card was issued;
352 (e) Date identification card expires;
353 (f) Sex;
354 (g) Height;
355 (h) Weight;
356 (i) Eye color;
357 (j) Location where the identification card was issued;
358 (k) Signature of person identified or facsimile
359 thereof; and
360 (l) Such other information as required by the * * *t
361 agency.

362 (2) The identification card for persons with disabilities
363 shall bear an identification card number which shall not be the
364 same as the applicant's social security number. The * * *
365 Secretary of State shall prescribe the form of identification
366 cards issued pursuant to this article to persons who are not
367 United States citizens. The identification cards of such persons
368 shall include a number and any other identifying information
369 prescribed by the * * * Secretary of State.

370 **SECTION 13.** Section 45-35-55, Mississippi Code of 1972, is
371 amended as follows:

372 45-35-55. (1) The identification card for persons with
373 disabilities shall be issued to a person with a permanent



374 disability for a period of * * * eight (8) years, shall expire at
375 midnight on the cardholder's birthday, and may be renewed any time
376 within six (6) months before the expiration date of the card upon
377 application and payment of the required fee. The identification
378 cards shall be issued to persons with disabilities upon
379 presentation of the current sworn affidavit of at least one (1)
380 medical doctor attesting to such permanent disability. A current
381 affidavit shall be presented at each request for renewal.

382 (2) The identification card for persons with temporary
383 disabilities shall be issued to a person with a temporary
384 disability upon presentation of a sworn affidavit of at least one
385 (1) medical doctor attesting to the disability and estimating the
386 duration of the disability. Temporary disability identification
387 cards shall be issued for periods of six (6) months. A current
388 affidavit of a medical doctor attesting to the continuance of the
389 disability shall be presented at each request for renewal
390 thereafter.

391 **SECTION 14.** Section 45-35-61, Mississippi Code of 1972, is
392 amended as follows:

393 45-35-61. The * * * Secretary of State shall promulgate
394 rules and regulations under which this article shall be
395 implemented.

396 **SECTION 15.** Section 45-35-63, Mississippi Code of 1972, is
397 amended as follows:



398 45-35-63. The * * * agency shall require an applicant for an
399 identification card for persons with disabilities to furnish a
400 birth certificate or other verifiable evidence stating the
401 applicant's birth date.

402 **SECTION 16.** Section 45-35-65, Mississippi Code of 1972, is
403 amended as follows:

404 45-35-65. The * * * agency shall collect a fee for an
405 identification card for persons with disabilities as prescribed in
406 Section 63-1-43.

407 **SECTION 17.** Section 63-1-1, Mississippi Code of 1972, is
408 amended as follows:

409 63-1-1. This article may be cited as the * * * Mississippi
410 Driver's License Law * * *.

411 **SECTION 18.** Section 63-1-3, Mississippi Code of 1972, is
412 amended as follows:

413 63-1-3. The following words and phrases when used in this
414 article shall, for the purpose of such law, have the meanings
415 respectively ascribed to them in this section:

416 (a) The term " * * * secretary" means the * * *
417 Mississippi Secretary of State * * *.

418 (b) The term "highway" means every way or place of
419 whatever nature open to the use of the public for the purpose of
420 vehicular travel, and shall include streets of
421 municipalities * * *.



422 (c) The term "operator" means any person in actual
423 physical control of a motor vehicle on the highway * * *.

424 (d) The term "owner" means a person who holds the legal
425 title of a vehicle; in the event a vehicle is the subject of an
426 agreement for the conditional sale or lease thereof with the right
427 of purchase upon performance of the conditions stated in the
428 agreement and with an immediate right of possession vested in the
429 conditional vendee or lessee, or in the event a mortgagor of a
430 vehicle is entitled to possession, then such conditional vendee or
431 lessee or mortgagor shall be deemed the owner for the purpose of
432 this article.

433 (e) The term "operator's license" or "driver's license"
434 means physical or digital documentation issued by the Secretary of
435 State pursuant to this act.

436 **SECTION 19.** Section 63-1-8, Mississippi Code of 1972, is
437 amended as follows:

438 63-1-8. The * * * Secretary of State is authorized to
439 negotiate a mutual agreement between the Mississippi Department of
440 Public Safety and the Republic of China (Taiwan), through the
441 Ministry of Transportation and Communications represented by the
442 Director General of the Taipei Economic and Cultural Office in
443 Houston, Texas, for reciprocity in issuing driver's licenses to
444 citizens of the State of Mississippi residing in the Republic of
445 China (Taiwan) and to Taiwanese citizens residing in the State of



446 Mississippi. The mutual agreement shall be written and signed by
447 the * * * Secretary of State and director general.

448 Any agreement entered into by the Commissioner of Public
449 Safety prior to the effective date of this section shall remain in
450 effect unless revoked or amended by the Secretary of State.

451 **SECTION 20.** Section 63-1-9, Mississippi Code of 1972, is
452 amended as follows:

453 63-1-9. (1) No driver's license, intermediate license or
454 regular learner's permit shall be issued pursuant to this article:

455 (a) To any person under the age of eighteen (18) years
456 except as provided in this article.

457 (b) To any person whose license to operate a motor
458 vehicle on the highways of Mississippi has been previously revoked
459 or suspended by this state or any other state or territory of the
460 United States or the District of Columbia, if the revocation or
461 suspension period has not expired.

462 (c) To any person who is an habitual drunkard or who is
463 addicted to the use of other narcotic drugs.

464 (d) To any person who would not be able by reason of
465 physical or mental disability to operate a motor vehicle on the
466 highways with safety. However, persons who have one (1) arm or
467 leg, or have arms or legs deformed, and are driving a car provided
468 with mechanical devices whereby the person is able to drive in a
469 safe manner over the highways, if otherwise qualified, shall



470 receive an operator's license the same as other persons.

471 Moreover, deafness shall not be a bar to obtaining a license.

472 (e) To any person as an operator who has previously
473 been adjudged to be afflicted with and suffering from any mental
474 disability and who has not at time of application been restored to
475 mental competency.

476 (f) To any unmarried person under the age of eighteen
477 (18) years who does not at the time of application present a
478 diploma or other certificate of high school graduation or a
479 general educational development certificate issued to the person
480 in this state or any other state; or on whose behalf documentation
481 has not been received by the * * * Secretary of State from that
482 person or a school official verifying that the person:

483 (i) Is enrolled and making satisfactory progress
484 in a course leading to a general educational development
485 certificate;

486 (ii) Is enrolled in school in this state or any
487 other state;

488 (iii) Is enrolled in a "nonpublic school," as such
489 term is defined in Section 37-13-91(2)(i); or

490 (iv) Is unable to attend any school program due to
491 circumstances deemed acceptable as set out in Section 63-1-10.

492 (g) To any person under the age of eighteen (18) years
493 who has been convicted under Section 63-11-30.



494 (2) * * * (a) A regular learner's permit may be issued to
495 any person who is at least fifteen (15) years of age who otherwise
496 meets the requirements of this article.

497 (b) An intermediate license may be issued to any person
498 who is at least sixteen (16) years of age who otherwise meets the
499 requirements of this article and who has held a regular learner's
500 permit for at least one (1) year without any conviction under
501 Section 63-11-30 or of a moving violation. Any conviction under
502 Section 63-11-30 or of a moving violation shall restart the
503 one-year requirement for the holding of a regular learner's permit
504 before an applicant can qualify for an intermediate license.

505 (c) A driver's license may be issued to any person who
506 is at least sixteen and one-half (16-1/2) years of age who
507 otherwise meets the requirements of this article and who has held
508 an intermediate license for at least six (6) months without any
509 conviction under Section 63-11-30 or of a moving violation. Any
510 conviction under Section 63-11-30 or of a moving violation shall
511 restart the six-month requirement for the holding of an
512 intermediate license before an applicant can qualify for a
513 driver's license. However, a person who is at least seventeen
514 (17) years of age who has been issued a regular learner's permit
515 and who has never been convicted under Section 63-11-30 or of a
516 moving violation shall not be required to have held an
517 intermediate license.



518 (d) An applicant for a Mississippi driver's license
519 who, at the time of application, is at least sixteen and one-half
520 (16-1/2) years of age and who has held a valid motor vehicle
521 driver's license issued by another state for at least six (6)
522 months shall not be required to hold a regular learner's permit or
523 an intermediate license before being issued a driver's license.

524 (3) The * * * Secretary of State shall ensure that the
525 regular learner's permit, intermediate license and driver's
526 license issued under this article are clear, distinct and easily
527 distinguishable from one another.

528 **SECTION 21.** Section 63-1-10, Mississippi Code of 1972, is
529 amended as follows:

530 63-1-10. (1) Upon the written request of a parent or
531 guardian of any applicant for a license under eighteen (18) years
532 of age, the school district in which the applicant is enrolled
533 shall submit documentation to the * * * Secretary of State
534 verifying that the applicant is in compliance with Section
535 63-1-9(1) (* * * f). The verification shall be signed by the
536 school principal or his designee, or, in the case of a home study
537 program, the parent, or the adult education supervisor of the
538 General Educational Development Program or his designee. If the
539 student is enrolled in a nonpublic school, the school principal or
540 his designee is encouraged to submit the verification on behalf of
541 the student. Documentation of the applicant's enrollment status
542 shall be submitted on a form designed by the State Department of



543 Education that includes the written signed and notarized parent or
544 guardian's consent authorizing the release of the applicant's
545 attendance records to the * * * Secretary of State, as approved by
546 the * * * Secretary of State, in a manner that insures the
547 authenticity of the form and the information or signature
548 contained thereon, including via * * * electronic delivery as
549 designated by the Secretary of State. The forms required under
550 this section to provide documentation shall be made available to
551 all public high schools, private schools accredited by the State
552 Board of Education, adult education supervisors at school board
553 offices and, upon request, to others * * * by the Secretary of
554 State.

555 (2) Whenever an applicant or licensee who is under eighteen
556 (18) years of age is unable to attend any school program due to
557 acceptable circumstances, the school where the student last
558 attended shall transmit documentation to the department to excuse
559 such student from the provisions of Section 63-1-9(1)(g). The
560 school principal or his designee shall determine whether
561 nonattendance or absences are excused pursuant to Section
562 37-13-91. For purposes of this section, suspension or expulsion
563 from school or incarceration in a correctional institution is not
564 an acceptable circumstance for a person being unable to attend
565 school.

566 (3) Any person denied a license for failure to satisfy the
567 education requirements of Section 63-1-9(1)(g) shall have the



568 right to file a request within thirty (30) days thereafter for a
569 hearing before the * * * Secretary of State to determine whether
570 the person is entitled to a license or is subject to the
571 cancellation of his license under the provisions of this section.
572 The hearing shall be held within ten (10) days of the receipt by
573 the department of the request. Appeal from the decision of the
574 department may be taken under Section 63-1-31.

575 **SECTION 22.** Section 63-1-11, Mississippi Code of 1972, is
576 amended as follows:

577 63-1-11. The provisions of this article with reference to
578 administration shall be under the supervision of the * * *
579 Secretary of State, who, if not otherwise specifically authorized,
580 is hereby empowered to make and promulgate reasonable rules and
581 regulations to carry out the provisions of this article.

582 **SECTION 23.** Section 63-1-13, Mississippi Code of 1972, is
583 amended as follows:

584 63-1-13. The * * * Secretary of State is hereby authorized
585 and empowered to appoint * * * an Assistant Secretary of State of
586 the Driver Services Division who is a qualified elector of the
587 State of Mississippi. Such director shall execute and furnish a
588 bond in the amount of Ten Thousand Dollars (\$10,000.00) with a
589 surety company authorized to do business in this state. The bond
590 shall be conditioned on the faithful performance of his or her
591 duties and be subject to the approval of the * * * Secretary of



592 State and shall be answerable to the * * * Secretary of State in
593 the performance of his or her duties.

594 The * * * Secretary of State shall employ such other
595 technical, professional and clerical assistants as may be needed
596 to conduct the work of the division. The * * * Secretary of State
597 is also authorized to employ a Director of the Driver License
598 Examining Bureau and the necessary supervising examiners to assist
599 the Director of the Driver License Examining Bureau in the
600 supervision of the license personnel. The * * * Secretary of
601 State is also authorized to employ the necessary additional
602 personnel to serve and be designated as "license examiners." * * *
603 The * * * Secretary of State shall employ such other technical,
604 professional and clerical assistants as may be needed to conduct
605 the work of the bureau.

606 **SECTION 24.** Section 63-1-15, Mississippi Code of 1972, is
607 amended as follows:

608 63-1-15. The * * * Secretary of State shall be authorized to
609 designate persons who may act as examiners for license or
610 instruction permits.

611 It shall be the duty of the license examiners to forward to
612 the * * * Secretary of State all applications rejected or approved
613 in accordance with such rules and regulations as may be prescribed
614 by the * * * Secretary of State.

615 **SECTION 25.** Section 63-1-16, Mississippi Code of 1972, is
616 amended as follows:



617 63-1-16. The * * * Secretary of State may, upon request of
618 the board of supervisors, furnish either a permanent driver's
619 license kiosk or a license examiner at a location in each
620 county * * * one * * * or more days every month to conduct
621 licensing examinations, road tests and renewals. * * * The county
622 shall furnish the office, heating and cooling, phone service and
623 Internet connectivity at the location for the kiosk or license
624 examiner.

625 **SECTION 26.** Section 63-1-17, Mississippi Code of 1972, is
626 amended as follows:

627 63-1-17. As the license examiners file their statements
628 showing the serial numbers of licenses and temporary driving
629 permits issued pursuant to this article during the preceding
630 month, the * * * Secretary of State shall keep a record of all
631 licenses and permits issued pursuant to this article by such
632 examiners, a record of all licenses and permits revoked, a record
633 of all perforated sections mailed to him by the trial judges, and
634 such other information that he deems necessary to carry out the
635 provisions of this article.

636 **SECTION 27.** Section 63-1-19, Mississippi Code of 1972, is
637 amended as follows:

638 63-1-19. (1) (a) Every applicant for a license or permit
639 issued pursuant to this article, or for renewal of such license or
640 permit, shall file an application for such license, permit or
641 renewal, on a form provided by the * * * Secretary of State, with



642 the * * * Secretary of State or an official license
643 examiner * * *. All persons not holding valid, unexpired licenses
644 issued in this state shall be required to secure an original
645 license, except those specifically exempted from licensing under
646 Section 63-1-7. The application shall state the name, date of
647 birth, the social security number of the applicant unless the
648 applicant is not a United States citizen and does not possess a
649 social security number issued by the United States government,
650 sex, race, color of eyes, color of hair, weight, height and
651 residence address, and whether or not the applicant's privilege to
652 drive has been suspended or revoked at any time, and, if so, when,
653 by whom, and for what cause, and whether any previous application
654 by him has been denied, and whether he has any physical defects
655 which would interfere with his operating a motor vehicle safely
656 upon the highways.

657 (b) Every applicant for an original license shall show
658 proof of domicile in this state. The * * * Secretary of State
659 shall promulgate any rules and regulations necessary to enforce
660 this requirement and shall prescribe the means by which an
661 applicant for an original license may show domicile in this state.
662 Proof of domicile shall not be required of applicants under
663 eighteen (18) years of age.

664 (c) Unless the applicant is not a United States citizen
665 and does not possess a social security number issued by the United
666 States government, each application or filing made under this



667 section shall include the social security number(s) of the
668 applicant in accordance with Section 93-11-64, Mississippi Code of
669 1972.

670 (2) No person who is illegally in the United States or
671 Mississippi shall be issued a license. The application of a
672 person who is not a United States citizen and who does not possess
673 a social security number issued by the United States government
674 shall state the name, date of birth, sex, race, color of eyes,
675 color of hair, weight, height and residence address, and whether
676 or not the applicant's privilege to drive has been suspended or
677 revoked at any time, and, if so, when, by whom, and for what
678 cause, and whether any previous application by him has been
679 denied, and whether he has any physical defects which would
680 interfere with his operating a motor vehicle safely upon the
681 highways. The * * * Secretary of State shall adopt and promulgate
682 such rules and regulations as he deems appropriate requiring
683 additional documents, materials, information or physical evidence
684 to be provided by the applicant as may be necessary to establish
685 the identity of the applicant and that the applicant is not
686 present in the United States or the State of Mississippi
687 illegally.

688 (3) Whenever a person who has applied for or who has been
689 issued a license or permit under this article moves from the
690 address listed in the application or on the permit or license, or
691 whenever the name of a licensee changes by marriage or otherwise,



692 such person, within thirty (30) days thereafter, shall
693 notify * * * the * * * Secretary of State of his or her previous
694 address and new address and of his or her former name and new
695 name. The * * * Secretary of State shall not change the name of a
696 licensee or permittee on his or her license or permit unless the
697 applicant appears in person at an office of the * * * Secretary of
698 State and provides a certified copy of his or her marriage
699 license, court order, birth certificate or divorce decree changing
700 the licensee's or permittee's name.

701 (4) (a) Any male who is at least eighteen (18) years of age
702 but less than twenty-six (26) years of age and who applies for a
703 permit or license or a renewal of a permit or license under this
704 chapter shall be registered in compliance with the requirements of
705 Section 3 of the Military Selective Service Act, 50 USCS Appx 451
706 et seq., as amended.

707 (b) The * * * Secretary of State shall forward in an
708 electronic format the necessary personal information of the
709 applicant to the Selective Service System. The applicant's
710 submission of the application shall serve as an indication that
711 the applicant either has already registered with the Selective
712 Service System or that he is authorizing the * * * Secretary of
713 State to forward to the Selective Service System the necessary
714 information for registration. The * * * Secretary of State shall
715 notify the applicant on, or as a part of, the application that his
716 submission of the application will serve as his consent to



717 registration with the Selective Service System, if so required.
718 The * * * Secretary of State also shall notify any male applicant
719 under the age of eighteen (18) that he will be registered upon
720 turning age eighteen (18) as required by federal law.

721 **SECTION 28.** Section 63-1-21, Mississippi Code of 1972, is
722 amended as follows:

723 63-1-21. (1) To obtain a new or original Class R, Class D
724 or intermediate driver's license, every applicant other than a
725 person holding a valid out-of-state license shall first obtain a
726 regular learner's permit, successfully complete the examination
727 provided for in Section 63-1-33, and pay the regular learner's
728 permit fee and examination fee prescribed in Section 63-1-43.

729 (2) A regular learner's permit entitles the holder, if the
730 permit is in his immediate possession, to drive a motor vehicle
731 other than a motorcycle on the highways of the State of
732 Mississippi only when accompanied by a licensed operator who is at
733 least twenty-one (21) years of age and who is actually occupying
734 the seat beside the driver. A regular learner's permit may be
735 issued to any applicant who is at least fifteen (15) years of age
736 and shall be valid for a period of two (2) years from the date of
737 issue.

738 (3) (a) An intermediate license allows unsupervised driving
739 from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m.
740 to 11:30 p.m. Friday and Saturday, and allows unsupervised driving
741 any time for a person traveling directly to or from work or



742 required school events. At all other times the intermediate
743 licensee must be supervised by a parent, guardian or other person
744 aged twenty-one (21) years or older who holds a valid driver's
745 license under this article and who is actually occupying the seat
746 beside the driver.

747 (b) The fee for issuance of an intermediate license
748 shall be as prescribed in Section 63-1-43.

749 **SECTION 29.** Section 63-1-33, Mississippi Code of 1972, is
750 amended as follows:

751 63-1-33. (1) Except as otherwise provided under subsection
752 (6) of this section, it shall be the duty of the license examiner,
753 when application is made for an operator's license or regular
754 learner's permit, to test the applicant's ability to read and
755 understand road signs and to give the required signals as adopted
756 by the National Advisory Committee on Uniform Traffic Control
757 Devices and the American Association of Motor Vehicle
758 Administrators.

759 (2) Except as otherwise provided under subsection (6) of
760 this section, the * * * Secretary of State shall have prepared and
761 administer a test composed of at least ten (10) questions relating
762 to the safe operation of a motor vehicle and testing the
763 applicant's knowledge of the proper operation of a motor vehicle.
764 Every examination shall ensure adequate knowledge on the part of
765 the applicant as to school bus safety requirements.



766 (3) Prior to the administration of the test, the license
767 examiner shall inspect the horn, lights, brakes, vehicle
768 registration and proof of liability coverage of the motor vehicle
769 which the applicant expects to operate while being tested, and if
770 he finds that any of the aforementioned items are deficient, no
771 license or endorsement shall be issued to the applicant until same
772 have been repaired.

773 (4) An applicant for a Mississippi driver's license who, at
774 the time of application, holds a valid motor vehicle driver's
775 license issued by another state shall not be required to take a
776 written test.

777 (5) Except as otherwise provided by Section 63-1-6, when
778 application is made for an original motorcycle endorsement, the
779 applicant shall be required to pass a written test which consists
780 of questions relating to the safe operation of a motorcycle and a
781 skill test similar to the "Motorcycle Operator Skill Test," which
782 is endorsed by the American Association of Motor Vehicle
783 Administrators. The * * * Secretary of State may exempt any
784 applicant from the skill test if the applicant presents a
785 certificate showing successful completion of a course approved by
786 the * * * Secretary of State, which includes a similar examination
787 of skills needed in the safe operation of a motorcycle.

788 (6) The * * * Secretary of State may accept the
789 certification of successful completion of an individual's training
790 in the knowledge and skills needed for the proper and safe



791 operation of a motor vehicle from a driver education and training
792 program at a secondary school that meets the standards of
793 the * * * Secretary of State, in lieu of the * * * examination of
794 the individual for the purpose of obtaining a driver's
795 license. * * *

796 **SECTION 30.** Section 63-1-34, Mississippi Code of 1972, is
797 amended as follows:

798 63-1-34. * * * The Secretary of State shall make available
799 instructional materials prepared by the Mississippi Authority for
800 Educational Television to assist applicants who are reading
801 impaired in preparing for driver's license examinations. Such
802 instructional materials may be provided by the Secretary of State
803 in a digital format or other convenient means of distribution, as
804 determined by the Secretary of State.

805 **SECTION 31.** Section 63-1-34.1, Mississippi Code of 1972, is
806 amended as follows:

807 63-1-34.1. (1) The * * * Secretary of State may issue a
808 limited driver's license for persons using bioptic telescopic
809 lenses. The license shall be valid for one (1) year from the date
810 of issuance. The * * * Secretary of State may require the
811 reevaluation of a licensee before the reissuance of a limited
812 driver's license.

813 (2) The * * * Secretary of State shall prepare and
814 administer a test for the central and peripheral vision of persons
815 using bioptic telescopic lenses. If the person passes the test



816 and is otherwise qualified, the person may receive a license under
817 this section.

818 (3) The * * * Secretary of State may issue a one-year
819 driving rehabilitation permit subject to such restrictions as the
820 commissioner may require.

821 (4) The fee for a license or permit issued under this
822 section shall be the fee required for one-year licenses under
823 Section 63-1-43, Mississippi Code of 1972.

824 (5) The * * * Secretary of State may impose restrictions on
825 any license or permit issued under this section and may issue
826 rules and regulations governing such licenses and permits.

827 **SECTION 32.** Section 63-1-35, Mississippi Code of 1972, is
828 amended as follows:

829 63-1-35. (1) The * * * Secretary of State shall prescribe
830 the form of license issued pursuant to this article which shall,
831 among other features, include a driver's license number assigned
832 by the * * * Secretary of State. A licensee shall list his social
833 security number * * * which shall cross-reference * * * with the
834 driver's license number for purposes of identification.

835 Additionally, each license shall bear a full-face color photograph
836 of the licensee in such form that the license and the photograph
837 cannot be separated. The photograph shall be taken so that one
838 (1) exposure will photograph the applicant and the application
839 simultaneously on the same film. The * * * Secretary of State
840 shall use a process in the issuance of a license with a color



841 photograph that shall prevent as nearly as possible any
842 alteration, counterfeiting, duplication, reproduction, forging or
843 modification of the license or the superimposition of a photograph
844 without ready detection. The photograph shall be replaced by
845 the * * * Secretary of State at the time of renewal. Drivers'
846 licenses, including photographs appearing thereon, may be renewed
847 by electronic means according to rules and regulations promulgated
848 by the * * * Secretary of State in conformity to Section
849 27-104-33.

850 (2) The * * * Secretary of State shall prescribe the form of
851 license issued pursuant to this article to licensees who are not
852 United States citizens and who do not possess a social security
853 number issued by the United States government. The license of
854 such persons shall include a number and/or other identifying
855 features.

856 (3) Any new, renewal or duplicate driver's license,
857 temporary driving permit, intermediate license or commercial
858 driver's license issued to a person required to register as a sex
859 offender pursuant to Section 45-33-25 shall bear a designation
860 identifying the licensee or permittee as a sex offender.

861 (4) The * * * Secretary of State is authorized to provide
862 the new, renewal or duplicate driver's license, temporary driving
863 permit, intermediate license or commercial driver's license to any
864 honorably discharged veteran as defined in Title 38 of the United
865 States Code, and such license or permit shall exhibit the letters



866 "Vet" or any other mark identifying the person as a veteran. The
867 veteran requesting the "Vet" designation shall present his DD-214
868 or equivalent document that includes a notation from the state
869 Veterans Affairs Board that the applicant is a veteran.

870 **SECTION 33.** Section 63-1-37, Mississippi Code of 1972, is
871 amended as follows:

872 63-1-37. If a license or regular learner's permit issued
873 under the provisions of this article is lost or destroyed, the
874 licensee may obtain a duplicate copy by paying the fee prescribed
875 in Section 63-1-43. * * *

876 **SECTION 34.** Section 63-1-45, Mississippi Code of 1972, is
877 amended as follows:

878 63-1-45. (1) License examiners shall keep a complete record
879 of all funds received from applicants upon forms to be prescribed
880 and furnished by the * * * Secretary of State out of the operating
881 funds of the * * * agency. Application forms shall be * * *
882 provided in a format prescribed by the Secretary of State and in
883 such form that the original thereof may be transmitted by the
884 license examiner to the * * * Secretary of State, together with
885 the renewal fee. A copy signed by the examiner shall be given to
886 the applicant, and a copy shall be retained by the examiner. The
887 license examiner shall, not later than ten (10) days from the date
888 of an application, transmit the application, together with the
889 fee, to the * * * Secretary of State. The application blanks and
890 funds shall be subject to audit at any time. The * * * Secretary



891 of State shall maintain records of all application forms on hand
892 and issued to the examiners, who shall be charged therewith. The
893 receipt provided for in this section shall be the only valid and
894 recognized form of receipt for fees paid by applicants, and the
895 receipt shall be sufficient in lieu of the renewed license for a
896 period of sixty (60) days or until the renewed license has been
897 issued to the applicant by the * * * Secretary of State.

898 (2) There shall be tendered with all applications for a
899 temporary driving permit, temporary motorcycle driving permit,
900 initial issuance of any license issued pursuant to this article,
901 renewal licenses, duplicate licenses or any other services for
902 which a fee is charged, the proper fee required by law by cash,
903 certified check, money order or electronic payment as authorized
904 under Section 27-104-33.

905 (3) The * * * Secretary of State shall deposit the amount of
906 fees, together with all fees for duplicate licenses, permits,
907 delinquent fees and reinstatement fees collected by him into the
908 General Fund of the State Treasury * * *; however, Seven Dollars
909 (\$7.00) of the fee derived from the fee charged for original and
910 renewal operators' licenses imposed under Section 63-1-43(1) and
911 Four Dollars (\$4.00) of the fee derived from the fee charged for
912 original and renewal Class D commercial drivers' licenses under
913 Section 63-1-43(4) shall be deposited into a special fund that is
914 created in the State Treasury. Monies in the fund may be expended
915 upon legislative appropriation solely for the purchase by the



916 Mississippi Highway Safety Patrol of patrol cars, communications
917 equipment and weapons.

918 **SECTION 35.** Section 63-1-47, Mississippi Code of 1972, is
919 amended as follows:

920 63-1-47. (1) (a) Except as otherwise provided in this
921 section, each applicant for an original or renewal Class R or
922 Class D license issued pursuant to this article, who is entitled
923 to issuance of same, shall be issued * * * an eight-year
924 license * * *, which will expire at midnight on the licensee's
925 birthday and may be renewed any time within six (6) months before
926 the expiration of the license upon application and payment of the
927 required fee, unless required to be reexamined.

928 (b) The term of an intermediate license issued under
929 this article shall be one (1) year.

930 (c) The term of an ignition-interlock-restricted
931 license issued under this article shall be four (4) years.

932 (2) Any commercial driver's license issued under Article 5
933 of this chapter shall be issued for a * * * eight-year term to
934 expire at midnight on the licensee's birthday.

935 (3) (a) All applications by an operator under eighteen (18)
936 years of age must be accompanied by documentation that the
937 applicant is in compliance with the education requirements of
938 Section 63-1-9(1)(g), and the documentation used in establishing
939 compliance must be dated no more than thirty (30) days before the
940 date of application.



941 (b) All applications by an operator under eighteen (18)
942 years of age, if applicable, must be accompanied by documentation
943 signed and notarized by the parent or guardian of the applicant
944 and the appropriate school official, authorizing the release of
945 the applicant's attendance records to the * * * Secretary of State
946 as required under Section 63-1-10.

947 (c) The commissioner shall suspend the driver's
948 license, intermediate license or regular learner's permit of a
949 student under eighteen (18) years of age who has been reported by
950 the Department of Education as required by Section 63-1-10.1, and
951 shall give notice of the suspension to the licensee as provided in
952 Section 63-1-52(4). A school superintendent or designee may
953 request that the driver's license, intermediate license or regular
954 learner's permit that has been suspended under the provisions of
955 this subsection be reinstated after the student has successfully
956 completed nine (9) weeks of school attendance without an unlawful
957 absence.

958 (4) (a) Any original or renewal license issued under this
959 chapter to a person who is not a United States citizen shall
960 expire four (4) years from the date of issuance or on the
961 expiration date of the applicant's authorized stay in the United
962 States, whichever is the lesser period of time, and may be
963 renewed, if the person is otherwise qualified to renew the
964 license, within thirty (30) days of expiration. The fee for any



965 such license and for renewal shall be as prescribed in Section
966 63-1-43.

967 (b) Any applicant for an original or renewal license
968 under this subsection (4) must present valid documentary evidence
969 documenting that the applicant:

970 (i) Is a citizen or national of the United States;

971 (ii) Is an alien lawfully admitted for permanent
972 or temporary residence in the United States;

973 (iii) Has conditional permanent residence status
974 in the United States;

975 (iv) Has an approved application for asylum in the
976 United States or has entered into the United States in refugee
977 status;

978 (v) Has a valid, unexpired nonimmigrant visa or
979 nonimmigrant visa status for entry into or lawful presence in the
980 United States;

981 (vi) Has a pending application for asylum in the
982 United States;

983 (vii) Has a pending or approved application for
984 temporary protected status in the United States;

985 (viii) Has approved deferred-action status;

986 (ix) Has a pending application for adjustment of
987 status to that of an alien lawfully admitted for permanent
988 residence in the United States or conditional permanent resident
989 status in the United States; or



990 (x) Has a valid employment authorization card
991 issued by the United States Department of Homeland Security.

992 **SECTION 36.** Section 63-1-49, Mississippi Code of 1972, is
993 amended as follows:

994 63-1-49. (1) An expired license issued pursuant to this
995 article may be renewed at any time within eighteen (18) months
996 after the expiration date of the license upon application and
997 payment of the required fee, and the payment of a delinquent fee
998 prescribed in Section 63-1-43, in lieu of a driver examination,
999 unless the holder of the expired license is required to be
1000 examined, or unless the * * * Secretary of State has reason to
1001 believe the licensee is no longer qualified to receive a license.

1002 (2) (a) Any person in the Armed Services of the United
1003 States, who holds a valid license issued pursuant to this chapter
1004 and is out of state due to military service at the time the
1005 license expires, may renew the license by mail or by online
1006 renewal services while out of state due to military service or at
1007 any time within ninety (90) days after being discharged from
1008 military service or upon returning to the state without payment of
1009 any delinquent fee or examination, unless the * * * Secretary of
1010 State has reason to believe that the licensee is no longer
1011 qualified to receive a license. The person shall make proof by
1012 affidavit of the fact of the person's current military service or
1013 of the time of discharge or return. The expiration of the license
1014 of a military person under the provisions of this paragraph (a)



1015 shall not affect the validity of the license, but the license
1016 shall continue to be valid and permit the person to operate a
1017 motor vehicle in this state for a period of ninety (90) days after
1018 discharge from military service or return to the state or until
1019 renewal of the license, whichever occurs first.

1020 (b) The provisions of paragraph (a) of this subsection
1021 (2) also apply to a dependent of a person in the Armed Services of
1022 the United States who is out of state due to military service if
1023 the dependent resides out of state with the Armed Services member
1024 and the license of the dependent expires during the family
1025 member's absence from the state. The * * * Secretary of State may
1026 adopt such rules and regulations under the Administrative
1027 Procedures Act as may be necessary to implement the provisions of
1028 this paragraph.

1029 (3) Any person holding a valid license issued pursuant to
1030 this article who is going overseas * * * and whose license will
1031 expire during the stay overseas may renew the license for * * *
1032 eight (8) years before leaving. The person shall make proof by
1033 affidavit of the fact of the overseas travel.

1034 **SECTION 37.** Section 63-1-107, Mississippi Code of 1972, is
1035 amended as follows:

1036 63-1-107. As used in the compact, the term "licensing
1037 authority" with reference to this state, shall mean the Department
1038 of Public Safety. The Commissioner of Public Safety shall furnish
1039 to the appropriate authorities of any other party state any



1040 information or documents reasonably necessary to facilitate the
1041 administration of Articles III, IV and V of the compact.

1042 From and after January 1, 2021, the Secretary of State shall
1043 assume the duties described in Article V regarding issuance of
1044 driver's licenses.

1045 **SECTION 38.** Section 63-1-202, Mississippi Code of 1972, is
1046 amended as follows:

1047 63-1-202. The purpose of this article is to implement the
1048 federal Commercial Motor Vehicle Safety Act of 1986 (49 USCS Appx.
1049 Section 2701 et seq.), hereinafter referred to as "CMVSA," and
1050 thereby prevent the loss to the State of Mississippi of
1051 substantial federal highway funds as a penalty for failure to
1052 comply therewith.

1053 This article is a remedial law which should be liberally
1054 construed to promote public health, safety and welfare. The
1055 provisions of Article 1 of this chapter, being the * * * Driver's
1056 License Law * * *, and the provisions of Title 63, Chapter 11,
1057 Mississippi Code of 1972, being the Mississippi Implied Consent
1058 Law, including penalties for violations thereof, shall be
1059 applicable to the provisions of this article to the extent that
1060 such laws do not conflict with the provisions of this article. If
1061 any provisions of this article conflict with the provisions of
1062 the * * * Mississippi Driver's License Law * * * or the
1063 Mississippi Implied Consent Law, then the provisions of this
1064 article shall control.



1065 **SECTION 39.** Section 63-1-205, Mississippi Code of 1972, is
1066 amended as follows:

1067 63-1-205. The driver of a commercial motor vehicle shall
1068 notify the state and employers of convictions as follows:

1069 (a) **The state.** Any driver of a commercial motor
1070 vehicle holding a driver's license issued by this state who is
1071 convicted of violating any state law or local ordinance relating
1072 to motor vehicle traffic control in any other state or federal,
1073 provincial, territorial, or municipal laws of Canada, other than
1074 parking violations, shall notify the * * * Secretary of State in
1075 the manner specified by the * * * Secretary of State within thirty
1076 (30) days of the date of conviction.

1077 (b) **Employers.** Any driver of a commercial motor
1078 vehicle holding a driver's license issued by this state who is
1079 convicted of violating any state law or local ordinance relating
1080 to motor vehicle traffic control in this or any other state or
1081 federal, provincial, territorial, or municipal laws of Canada,
1082 other than parking violations, shall notify the driver's employer
1083 in writing of the conviction within thirty (30) days of the date
1084 of conviction.

1085 (c) **Notification of suspensions, revocations and**
1086 **cancellations.** A driver whose driver's license is suspended,
1087 revoked, or cancelled by any state, who loses the privilege to
1088 drive a commercial motor vehicle in any state for any period, or
1089 who is disqualified from driving a commercial motor vehicle for



1090 any period, shall notify the driver's employer of that fact before
1091 the end of the business day following the day the driver received
1092 notice of that fact.

1093 (d) **Notification of previous employment.** Any person
1094 who applies to be a commercial motor vehicle driver must provide
1095 the employer, at the time of the application, with the following
1096 information for the ten (10) years preceding the date of
1097 application:

1098 (i) A list of the names and addresses of the
1099 applicant's previous employers for which the applicant was a
1100 driver of a commercial motor vehicle;

1101 (ii) The dates between which the applicant drove
1102 for each employer; and

1103 (iii) The reason for leaving that employer.

1104 The applicant must certify that all information furnished is
1105 true and complete. An employer may require an applicant to
1106 provide additional information.

1107 **SECTION 40.** Section 63-1-208, Mississippi Code of 1972, is
1108 amended as follows:

1109 63-1-208. (1) Except as otherwise provided, the * * *
1110 Secretary of State shall not issue a commercial driver's license
1111 and commercial learner's permit to any person under the age of
1112 twenty-one (21) years.

1113 (2) No person may be issued a commercial driver's license
1114 unless that person is domiciled in this state and has passed a



1115 knowledge and skills test for driving a commercial motor vehicle
1116 which complies with minimum federal standards established by
1117 federal regulation enumerated in 49 CFR, Part 383, subparts F, G
1118 and H and has satisfied all other requirements of Title XII of
1119 Public Law 99-570 in addition to other requirements imposed by
1120 state law or federal regulation. The tests shall be prescribed
1121 and conducted by the * * * Secretary of State. If the applicant
1122 wishes to have a hazardous materials endorsement, the written test
1123 for a hazardous materials endorsement must be taken and passed.
1124 In addition, the applicant must successfully complete the security
1125 threat assessment required by 49 CFR, Part 1572.

1126 (3) The * * * Secretary of State may authorize a person,
1127 including an agency of this or another state, an employer, a
1128 private driver training facility, or other private institution, or
1129 a department, agency or instrumentality of local government, to
1130 administer the skills test specified by this section, provided:

1131 (a) The test is the same as would otherwise be
1132 administered by the state; and

1133 (b) The third party has entered into an agreement with
1134 this state which complies with requirements of 49 CFR, Part
1135 383.75.

1136 (4) A skills test may be waived as follows:

1137 (a) The * * * Secretary of State, by rules adopted
1138 pursuant to the Mississippi Administrative Procedures Law, shall
1139 provide for a waiver of the skills test specified in this section



1140 for a commercial driver's license applicant who meets the
1141 requirements of 49 CFR, Part 383.77;

1142 (b) The rules may establish deadlines by which
1143 applicants must claim entitlement and qualification to skills test
1144 waivers and may provide for the scheduling of group knowledge
1145 testing;

1146 (c) The * * * Secretary of State shall adopt rules and
1147 regulations to carry out the provisions of this subsection (4) as
1148 soon as practicable after July 1, 2017, but in any case no later
1149 than July 1, 2018.

1150 (5) A commercial learner's permit shall be issued as
1151 follows:

1152 (a) A commercial learner's permit may be issued to an
1153 individual who holds a valid Mississippi driver's license who has
1154 passed the vision and written tests required for the class of
1155 license authorizing the operation of the type of vehicle for which
1156 the permit application is being made;

1157 (b) The commercial learner's permit shall be issued for
1158 a period of six (6) months for the fee prescribed in Section
1159 63-1-43. Only one (1) renewal or reissuance may be granted within
1160 a two-year period. The holder of a commercial learner's permit
1161 may, unless otherwise disqualified, drive a commercial motor
1162 vehicle on a highway only when accompanied by the holder of a
1163 commercial driver's license valid for the type of vehicle driven



1164 who occupies a seat beside the individual for the purpose of
1165 giving instruction in driving the commercial motor vehicle.

1166 (6) A commercial driver's license or commercial learner's
1167 permit may not be issued to a person while the person is subject
1168 to a disqualification from driving a commercial motor vehicle, or
1169 while the person's driver's license is suspended, revoked or
1170 cancelled in any state. A driver's license may not be issued to a
1171 person who has a commercial driver's license issued by any state
1172 unless the person first surrenders all driver's licenses issued by
1173 any state, which licenses shall be returned to the issuing states
1174 for cancellation.

1175 (7) A person shall be entitled to take the test for a
1176 commercial driver's license unless the person's driver's license
1177 is, at the time of the requested test, suspended, revoked,
1178 cancelled or disqualified in any other state.

1179 (8) Notwithstanding any requirement imposed by state law or
1180 state or federal regulations restricting the issuance of a
1181 commercial driver's license to a person suffering from diabetes, a
1182 person suffering from diabetes may be issued a commercial driver's
1183 license if the person otherwise meets all qualifications for
1184 issuance provided:

1185 (a) The driver is physically examined every year,
1186 including an examination by a board-certified/eligible
1187 endocrinologist attesting to the fact that the driver is:



1188 (i) Free of insulin reactions (an individual is
1189 free of insulin reactions if that individual does not have severe
1190 hypoglycemia or hypoglycemia unawareness, and has less than one
1191 (1) documented, symptomatic hypoglycemic reaction per month);

1192 (ii) Able to and has demonstrated willingness to
1193 properly monitor and manage the person's diabetes; and

1194 (iii) Not likely to suffer any diminution in
1195 driving ability due to the person's diabetic condition.

1196 (b) The driver agrees to and complies with the
1197 following conditions:

1198 (i) A source of rapidly absorbable glucose shall
1199 be carried at all times while driving;

1200 (ii) Blood glucose levels shall be self-monitored
1201 one (1) hour prior to driving and at least once every four (4)
1202 hours while driving or on duty prior to driving using a portable
1203 glucose monitoring device equipped with a computerized memory;

1204 (iii) Submit blood glucose logs to the
1205 endocrinologist or medical examiner at the annual examination or
1206 when otherwise directed by the * * * Secretary of State;

1207 (iv) Provide a copy of the endocrinologist's
1208 report to the medical examiner at the time of the annual medical
1209 examination; and

1210 (v) Provide a copy of the annual medical
1211 certification to the person's employer for retention in the
1212 driver's qualification file and retain a copy of the certification



1213 on his person while driving for presentation to a duly authorized
1214 federal, state or local enforcement official.

1215 (c) The commercial license issued under this subsection
1216 (8) will bear an endorsement restricting commercial driving on the
1217 license to driving only within the boundaries of Mississippi.

1218 (9) The fees for all licenses, permits, renewals and
1219 endorsements shall be as prescribed in Section 63-1-43.

1220 **SECTION 41.** Section 63-1-209, Mississippi Code of 1972, is
1221 amended as follows:

1222 63-1-209. The * * * Secretary of State may issue a
1223 nonresident commercial driver's license to a person domiciled in a
1224 foreign jurisdiction if the United States Secretary of
1225 Transportation has determined that the commercial motor vehicle
1226 testing and licensing standards in the foreign jurisdiction do not
1227 meet the testing standards established in 49 CFR, Part 383. In
1228 addition, the * * * Secretary of State may issue a nonresident
1229 commercial driver's license to a person domiciled in a state while
1230 that state is prohibited from issuing commercial driver's licenses
1231 in accordance with 49 CFR, Part 384.405. The word "nonresident"
1232 must appear on the face of the nonresident commercial driver's
1233 license. An applicant shall surrender any nonresident commercial
1234 driver's license issued by another state. Prior to issuing a
1235 nonresident commercial driver's license, the * * * Secretary of
1236 State shall establish the practical capability of revoking or
1237 suspending the nonresident commercial driver's license.



1238 **SECTION 42.** Section 63-1-210, Mississippi Code of 1972, is
1239 amended as follows:

1240 63-1-210. (1) The application for a commercial driver's
1241 license or commercial learner's permit shall include the
1242 following:

1243 (a) The full name and current mailing and residential
1244 addresses of the person.

1245 (b) A physical description of the person, including
1246 sex, height and weight.

1247 (c) Date of birth.

1248 (d) The applicant's social security number.

1249 (e) The person's signature.

1250 (f) Certifications that:

1251 (i) For an applicant who operates or expects to
1252 operate in interstate or foreign commerce or who is otherwise
1253 subject to 49 CFR, Part 391, the applicant meets the qualification
1254 requirements contained in Part 391; or for an applicant who
1255 operates or expects to operate entirely in intrastate commerce and
1256 who is not subject to Part 391, that the applicant is subject to
1257 state driver qualification requirements and is not subject to Part
1258 391;

1259 (ii) The motor vehicle in which the applicant's
1260 skills test will be taken is representative of the type of motor
1261 vehicle that the applicant operates or expects to operate;



1262 (iii) The applicant is not subject to any
1263 disqualification under 49 CFR, Part 385.51, or any license
1264 suspension, revocation, or cancellation under state law; and

1265 (iv) The applicant does not have a driver's
1266 license from more than one (1) state or jurisdiction.

1267 (g) Any other information required by the * * *
1268 Secretary of State, including, but not limited to, the names of
1269 all states or jurisdictions where the applicant has been licensed
1270 to operate any type of motor vehicle during the previous ten (10)
1271 years.

1272 (h) The application shall be accompanied by a fee as
1273 prescribed in Section 63-1-43.

1274 (2) When a licensee or permittee changes his or her name,
1275 mailing address, or residence or in the case of the loss,
1276 mutilation, or destruction of a license or permit, the licensee or
1277 permittee shall notify the * * * Secretary of State within sixty
1278 (60) days and apply in person for a duplicate license or permit in
1279 the same manner as set forth in subsection (1) of this section.
1280 The fee for a duplicate license or permit shall be as prescribed
1281 in Section 63-1-43.

1282 (3) A person who has been a resident of this state for more
1283 than thirty (30) days shall not drive a commercial motor vehicle
1284 under the authority of a commercial driver's license issued by
1285 another jurisdiction.



1286 (4) Any person who knowingly falsifies information or
1287 certifications required under subsection (1) of this section shall
1288 have the person's commercial driver's license revoked. Such
1289 persons may reapply for a commercial driver's license no sooner
1290 than sixty (60) days after the revocation.

1291 (5) (a) Any male who is at least eighteen (18) years of age
1292 but less than twenty-six (26) years of age and who applies for or
1293 renews a commercial driver's license or renewal of a commercial
1294 learner's permit under this article shall be registered in
1295 compliance with the requirements of Section 3 of the Military
1296 Selective Service Act, 50 USCS Appx. 451 et seq., as amended.

1297 (b) The * * * Secretary of State shall forward in an
1298 electronic format the necessary personal information of the
1299 applicant to the Selective Service System. The applicant's
1300 submission of the application shall serve as an indication that
1301 the applicant either has already registered with the Selective
1302 Service System or that he is authorizing the * * * Secretary of
1303 State to forward to the Selective Service System the necessary
1304 information for registration. The * * * Secretary of State shall
1305 notify the applicant on, or as a part of, the application that
1306 his submission of the application will serve as his consent to
1307 registration with the Selective Service System, if so required.
1308 The * * * Secretary of State also shall notify any male applicant
1309 under the age of eighteen (18) that he will be registered upon
1310 turning age eighteen (18) as required by federal law.



1311 **SECTION 43.** Section 63-1-211, Mississippi Code of 1972, is
1312 amended as follows:

1313 63-1-211. (1) **Contents of license.** A commercial driver's
1314 license shall be marked "commercial driver's license" or "CDL,"
1315 and shall be, to the maximum extent practicable, tamper proof, and
1316 shall include, but not be limited to, the following information:

1317 (a) The name and residential address of the person.

1318 (b) The person's color photograph or imaged likeness.

1319 (c) A physical description of the person including sex,
1320 height, and weight.

1321 (d) Date of birth.

1322 (e) Any number or identifier deemed appropriate by the
1323 commissioner.

1324 (f) The person's signature.

1325 (g) The class or type of commercial motor vehicle or
1326 vehicles which the person is authorized to drive together with any
1327 endorsements or restrictions.

1328 (h) The name of this state.

1329 (i) The dates between which the license is valid.

1330 (2) **Classifications, endorsements and restrictions.**

1331 Driver's licenses may be issued with the following
1332 classifications, endorsements, and restrictions:

1333 (a) **Classifications.** Licensees may drive all vehicles
1334 in the class for which the license is issued and all lesser
1335 classes of vehicles, except those requiring special endorsements.



1336 (i) Class A - Any combination of vehicles with a
1337 gross vehicle weight rating of twenty-six thousand one (26,001)
1338 pounds or more, provided the gross vehicle weight rating of the
1339 vehicle being towed is in excess of ten thousand (10,000) pounds.

1340 (ii) Class B - Any single vehicle with a gross
1341 vehicle weight rating of twenty-six thousand one (26,001) pounds
1342 or more, and any such vehicle towing a vehicle not in excess of
1343 ten thousand (10,000) pounds.

1344 (iii) Class C - Any single vehicle with a gross
1345 vehicle weight rating of less than twenty-six thousand one
1346 (26,001) pounds:

1347 1. Vehicles designed to transport sixteen
1348 (16) or more passengers, including the driver; and

1349 2. Vehicles used in the transportation of
1350 hazardous materials as defined in Section 63-1-203.

1351 (iv) Class D - Class D licenses are not commercial
1352 driver's licenses and shall be governed by the provisions of
1353 Section 63-1-5.

1354 (b) Licenses may be issued with appropriate
1355 endorsements and restrictions noted thereon. The * * * Secretary
1356 of State shall determine the manner of notation. Endorsements and
1357 restrictions may include, but are not limited to, those which:

1358 (i) Authorize a driver to drive a vehicle
1359 transporting hazardous materials;



1360 (ii) Restrict the driver to vehicles not equipped
1361 with air brakes when the person either fails the air brake
1362 component of the knowledge test or performs the skills test in a
1363 vehicle not equipped with air brakes;

1364 (iii) Authorize driving motorcycles that are not
1365 autocycles as defined in Section 63-3-103;

1366 (iv) Authorize driving tank vehicles;

1367 (v) Authorize driving vehicles carrying
1368 passengers;

1369 (vi) Authorize driving school buses;

1370 (vii) Authorize driving double trailers;

1371 (viii) Restrict the driver to operation solely
1372 within this state. A commercial driver's license or commercial
1373 learner's permit with this restriction may be issued to any person
1374 who has attained the age of eighteen (18) years.

1375 (3) Before issuing a commercial driver's license, the * * *
1376 Secretary of State shall request the applicant's complete
1377 operating record from any state in which the applicant was
1378 previously licensed to operate any type of motor vehicle in the
1379 past ten (10) years, conduct a check of the applicant's operating
1380 record by querying the national driver register, established under
1381 49 USCS Section 30302, and the Commercial Driver's License
1382 Information System, established under 49 USCS Section 31309, to
1383 determine if:



1384 (a) The applicant has already been issued a commercial
1385 driver's license; and the applicant's commercial driver's license
1386 has been suspended, revoked, or canceled;

1387 (b) The applicant had been convicted of any offenses
1388 contained in Section 205(a)(3) of the National Driver Register Act
1389 of 1982 (23 USCS Section 401 note).

1390 (4) Within ten (10) days after issuing a commercial driver's
1391 license, the * * * Secretary of State shall notify the Commercial
1392 Driver License Information System of that fact, providing all
1393 information required to ensure identification of the person.

1394 (5) The commercial driver's license shall expire in the
1395 manner set forth in Section 63-1-47.

1396 (6) When applying for renewal of a commercial driver's
1397 license, the applicant shall complete the application form
1398 required by Section 63-1-210, providing updated information and
1399 required certifications. If the applicant wishes to retain a
1400 hazardous materials endorsement, the written test for a hazardous
1401 materials endorsement must be taken and passed. In addition, the
1402 applicant must successfully complete the security threat
1403 assessment required by 49 CFR, Part 1572. If notice is received
1404 from the United States Transportation Security Administration that
1405 the applicant poses a security risk, the * * * Secretary of State
1406 shall refuse to issue, or revoke within fifteen (15) days of
1407 receipt of the notice, a hazardous materials endorsement.



1408 (7) The * * * Secretary of State shall provide a means for
1409 electronic transmission of a medical card and may charge a vendor
1410 convenience fee in an amount not to exceed Two Dollars and Fifty
1411 Cents (\$2.50) per transmission.

1412 **SECTION 44.** Section 63-1-214, Mississippi Code of 1972, is
1413 amended as follows:

1414 63-1-214. The * * * Secretary of State may enter into or
1415 make agreements, arrangements or declarations to carry out the
1416 provisions of this article.

1417 **SECTION 45.** Section 63-1-221, Mississippi Code of 1972, is
1418 amended as follows:

1419 63-1-221. (1) An applicant for a school bus endorsement
1420 shall satisfy the following requirements:

1421 (a) Pass the knowledge and skills test for obtaining a
1422 passenger vehicle endorsement.

1423 (b) Pass the knowledge test covering the following
1424 topics, at minimum:

1425 (i) Loading and unloading children, including the
1426 safe operation of stop signal devices, external mirror systems,
1427 flashing lights, and other warning and passenger safety devices
1428 required for school buses by state or federal law or regulation.

1429 (ii) Emergency exits and procedures for safely
1430 evacuating passengers in an emergency.

1431 (iii) State and federal laws and regulations
1432 related to traversing safely highway rail grade crossings.



1433 (c) Pass a skills test in a school bus of the same
1434 vehicle group as the applicant will operate.

1435 (2) The * * * Secretary of State may waive the skills test
1436 required in subsection (1)(a) of this section for an applicant
1437 who:

1438 (a) Is currently licensed, has experience operating a
1439 school bus, and has a good operating record;

1440 (b) Certifies, and whose certification is verified by
1441 the * * * Secretary of State, that, during the two-year period
1442 immediately prior to applying for the school bus endorsement, the
1443 applicant:

1444 (i) Held a valid commercial driver's license with
1445 a passenger endorsement to operate a school bus representative of
1446 the group the applicant will be operating;

1447 (ii) Has not had the applicant's operator's
1448 license or commercial driver's license suspended, revoked, or
1449 cancelled or been disqualified from operating a commercial motor
1450 vehicle;

1451 (iii) Has not been convicted of any offense that
1452 would require disqualification under Section 63-1-216 or 49 CFR,
1453 Part 383.51(b);

1454 (iv) Has not had more than one (1) conviction for
1455 a serious traffic violation while operating any type of motor
1456 vehicle;



1457 (v) Has not had any conviction for a violation of
1458 state or local law relating to motor vehicle traffic control,
1459 other than a parking violation, arising in connection with any
1460 traffic accident;

1461 (vi) Has not been convicted of any motor vehicle
1462 traffic violation that resulted in an accident; and

1463 (vii) Has been regularly employed as a school bus
1464 driver and provides evidence of such employment.

1465 **SECTION 46.** Section 63-1-226, Mississippi Code of 1972, is
1466 amended as follows:

1467 63-1-226. The * * * Secretary of State is authorized to make
1468 use of the facilities and property upon which are located
1469 inspection stations, as prescribed in Sections 27-5-71 and
1470 27-5-73, for the purpose of commercial driver's license testing
1471 sites under the Mississippi Commercial Driver's License Law.
1472 The * * * Department of Revenue shall cooperate with the * * *
1473 Secretary of State in making such property and facilities
1474 available for such use; however, the use of the inspection
1475 stations by the * * * Secretary of State shall not unreasonably
1476 interfere with the duties of the * * * Department of Revenue.

1477 **SECTION 47.** Section 45-33-25, Mississippi Code of 1972, is
1478 amended as follows:

1479 45-33-25. (1) (a) Any person having a permanent or
1480 temporary residence in this state or who is employed or attending
1481 school in this state who has been convicted of a registrable



1482 offense in this state or another jurisdiction or who has been
1483 acquitted by reason of insanity of a registrable offense in this
1484 state or another jurisdiction shall register with the responsible
1485 agency and the Mississippi Department of Public Safety.

1486 Registration shall not be required for an offense that is not a
1487 registrable sex offense or for an offender who is under fourteen
1488 (14) years of age. The department shall provide the initial
1489 registration information as well as every change of name, change
1490 of address, change of status at a school, or other change of
1491 information as required by the department to the sheriff of the
1492 county of the residence address of the registrant, the sheriff of
1493 the county of the employment address, and the sheriff of the
1494 county of the school address, if applicable, and any other
1495 jurisdiction of the registrant through either written notice,
1496 electronic or telephone transmissions, or online access to
1497 registration information. Further, the department shall provide
1498 this information to the Federal Bureau of Investigation.

1499 Additionally, upon notification by the registrant that he intends
1500 to reside outside the State of Mississippi, the department shall
1501 notify the appropriate state law enforcement agency of any state
1502 to which a registrant is moving or has moved.

1503 (b) Any person having a permanent or temporary
1504 residence or who is employed or attending school in this state who
1505 has been adjudicated delinquent for a registrable sex offense
1506 listed in this paragraph that involved use of force against the



1507 victim shall register as a sex offender with the responsible
1508 agency and shall personally appear at a facility designated by the
1509 Mississippi Department of Public Safety * * * within three (3)
1510 business days of registering with the responsible agency:

1511 (i) Section 97-3-71 relating to rape and assault
1512 with intent to ravish;

1513 (ii) Section 97-3-95 relating to sexual battery;

1514 (iii) Section 97-3-65 relating to statutory rape;

1515 or

1516 (iv) Conspiracy to commit, accessory to the
1517 commission of, or attempt to commit any offense listed in this
1518 paragraph.

1519 (2) Any person required to register under this chapter shall
1520 submit the following information at the time of registration:

1521 (a) Name, including a former name which has been
1522 legally changed;

1523 (b) Street address of all current permanent and
1524 temporary residences within state or out of state at which the sex
1525 offender resides or habitually lives, including dates of temporary
1526 lodgings. There is a presumption that a registrant owes a duty of
1527 updating registration information if:

1528 (i) The registrant remains away from a registered
1529 address for seven (7) or more consecutive days; or



1530 (ii) If the registrant remains at another address
1531 between the hours of 10:00 p.m. and 6:00 a.m. for more than seven
1532 (7) consecutive days;

1533 (c) Date, place and address of employment, including as
1534 a volunteer or unpaid intern or as a transient or day laborer;

1535 (d) Crime for which charged, arrested or convicted;

1536 (e) Date and place of conviction, adjudication or
1537 acquittal by reason of insanity;

1538 (f) Aliases used or nicknames, ethnic or tribal names
1539 by which commonly known;

1540 (g) Social security number and any purported social
1541 security number or numbers;

1542 (h) Date and place of birth and any purported date and
1543 place of birth;

1544 (i) Age, race, sex, height, weight, hair and eye
1545 colors, and any other physical description or identifying factors;

1546 (j) A brief description of the offense or offenses for
1547 which the registration is required;

1548 (k) Driver's license or state or other jurisdiction
1549 identification card number, which license or card may be
1550 electronically accessed by the Department of Public Safety;

1551 (l) Anticipated future residence;

1552 (m) If the registrant's residence is a motor vehicle,
1553 trailer, mobile home or manufactured home, the registrant shall
1554 also provide vehicle identification number, license tag number,



1555 registration number and a description, including color scheme, of
1556 the motor vehicle, trailer, mobile home or manufactured home; if
1557 the registrant's place of residence is a vessel or houseboat, the
1558 registrant shall also provide the hull identification number,
1559 manufacturer's serial number, name of the vessel or houseboat,
1560 registration number and a description, including color scheme, of
1561 the vessel or houseboat, including permanent or frequent locations
1562 where the motor vehicle, trailer, mobile home, manufactured home,
1563 vessel or houseboat is kept;

1564 (n) Vehicle make, model, color and license tag number
1565 for all vehicles owned or operated by the sex offender, whether
1566 for work or personal use, and the permanent or frequent locations
1567 where a vehicle is kept;

1568 (o) Offense history;

1569 (p) Photograph;

1570 (q) Fingerprints and palm prints;

1571 (r) Documentation of any treatment received for any
1572 mental abnormality or personality disorder of the person;

1573 (s) Biological sample;

1574 (t) Name of any public or private educational
1575 institution, including any secondary school, trade or professional
1576 institution or institution of higher education at which the
1577 offender is employed, carries on a vocation (with or without
1578 compensation) or is enrolled as a student, or will be enrolled as
1579 a student, and the registrant's status;



1580 (u) Copy of conviction or sentencing order for the sex
1581 offense for which registration is required;

1582 (v) The offender's parole, probation or supervised
1583 release status and the existence of any outstanding arrest
1584 warrants;

1585 (w) Every online identity, screen name or username
1586 used, registered or created by a registrant;

1587 (x) Professional licensing information which authorizes
1588 the registrant to engage in an occupation or carry out a trade or
1589 occupation;

1590 (y) Information from passport and immigration
1591 documents;

1592 (z) All telephone numbers, including, but not limited
1593 to, permanent residence, temporary residence, cell phone and
1594 employment phone numbers, whether landlines or cell phones; and

1595 (aa) Any other information deemed necessary.

1596 (3) For purposes of this chapter, a person is considered to
1597 be residing in this state if he maintains a permanent or temporary
1598 residence as defined in Section 45-33-23, including students,
1599 temporary employees and military personnel on assignment.

1600 (4) (a) A person required to register under this chapter
1601 shall not reside within three thousand (3,000) feet of the real
1602 property comprising a public or nonpublic elementary or secondary
1603 school, a child care facility, a residential child-caring agency,
1604 a children's group care home or any playground, ballpark or other



1605 recreational facility utilized by persons under the age of
1606 eighteen (18) years.

1607 (b) A person residing within three thousand (3,000)
1608 feet of the real property comprising a public or nonpublic
1609 elementary or secondary school or a child care facility does not
1610 commit a violation of this subsection if any of the following
1611 apply:

1612 (i) The person is serving a sentence at a jail,
1613 prison, juvenile facility or other correctional institution or
1614 facility.

1615 (ii) The person is subject to an order of
1616 commitment under Title 41, Mississippi Code of 1972.

1617 (iii) The person established the subject residence
1618 before July 1, 2006.

1619 (iv) The school or child care facility is
1620 established within three thousand (3,000) feet of the person's
1621 residence subsequent to the date the person established residency.

1622 (v) The person established the subject residence
1623 between July 1, 2006, and January 1, 2014, in a location at least
1624 one thousand five hundred (1,500) feet from the school or child
1625 care facility.

1626 (vi) The person is a minor or a ward under a
1627 guardianship.

1628 (c) A person residing within three thousand (3,000)
1629 feet of the real property comprising a residential child-caring



1630 agency, a children's group care home or any playground, ballpark
1631 or other recreational facility utilized by persons under the age
1632 of eighteen (18) years does not commit a violation of this
1633 subsection if any of the following apply:

1634 (i) The person established the subject residence
1635 before July 1, 2008.

1636 (ii) The residential child-caring agency,
1637 children's group care home, playground, ballpark or other
1638 recreational facility utilized by persons under the age of
1639 eighteen (18) years is established within three thousand (3,000)
1640 feet of the person's residence subsequent to the date the person
1641 established residency.

1642 (iii) The person established the subject residence
1643 between July 1, 2008, and January 1, 2014, in a location at least
1644 one thousand five hundred (1,500) feet from the residential
1645 child-caring agency, children's group care home, playground,
1646 ballpark or other recreational facility utilized by persons under
1647 the age of eighteen (18) years.

1648 (iv) Any of the conditions described in subsection
1649 (4) (b) (i), (ii) or (vi) exist.

1650 (5) The Department of Public Safety is required to obtain
1651 the text of the law defining the offense or offenses for which the
1652 registration is required.

1653 (6) Any facility designated by the Department of Public
1654 Safety for personal appearances as required under this chapter



1655 shall be separate from any building utilized by the Secretary of
1656 State for licensing and permitting purposes. The Department of
1657 Public Safety is authorized to enter into agreements with other
1658 law enforcement offices in this state for utilization of those
1659 facilities or to allow such other law enforcement offices to
1660 assume responsibility for in person appearance requirements under
1661 this chapter.

1662 **SECTION 48.** Section 45-33-27, Mississippi Code of 1972, is
1663 amended as follows:

1664 45-33-27. (1) A person required to register on the basis of
1665 a conviction, adjudication of delinquency or acquittal by reason
1666 of insanity entered shall register with the responsible agency
1667 within three (3) business days of the date of judgment unless the
1668 person is immediately confined or committed, in which case the
1669 person shall register before release in accordance with the
1670 procedures established by the department. The responsible agency
1671 shall immediately forward the registration information to the
1672 Department of Public Safety. The person is also required to
1673 personally appear at a facility designated by the Department of
1674 Public Safety * * * within three (3) days of registration with the
1675 responsible agency and to obtain a sex offender registration card.

1676 (2) If a person who is required to register under this
1677 section is released from prison or placed on parole or supervised
1678 release or in a restitution center or community work center, the
1679 Department of Corrections shall perform the registration duties



1680 before placement in a center or before release and immediately
1681 forward the registration information to the Department of Public
1682 Safety. The person is also required to personally appear at a
1683 facility designated by the Department of Public Safety * * *
1684 within three (3) days of release or placement in a restitution
1685 center or community work center.

1686 (3) If a person required to register under this section is
1687 placed on probation, the court, at the time of entering the order,
1688 shall register the person and immediately forward the registration
1689 information to the Department of Public Safety. The person is
1690 also required to personally appear at a facility designated by the
1691 Department of Public Safety * * * within three (3) days of the
1692 entry of the order.

1693 (4) Any person required to register who is neither
1694 incarcerated, detained nor committed at the time the requirement
1695 to register attaches shall present himself to the county sheriff
1696 to register within three (3) business days, and shall personally
1697 appear at a facility designated by the Department of Public
1698 Safety * * * within three (3) days of the time the requirement to
1699 register attaches.

1700 (5) An offender moving to or returning to this state from
1701 another jurisdiction shall notify the Department of Public Safety
1702 ten (10) days before the person first resides in or returns to
1703 this state and shall present himself to the sheriff of the county
1704 of his residence within three (3) business days after first



1705 residing in or returning to a county of this state to provide the
1706 required registration information. The person is also required to
1707 register by personally appearing at a facility designated by the
1708 Department of Public Safety * * * within three (3) days after
1709 first residing in or moving to a county of this state. If the
1710 offender fails to appear for registration as required in this
1711 state, the department shall notify the other jurisdiction of the
1712 failure to register.

1713 (6) A person, other than a person confined in a correctional
1714 or juvenile detention facility or involuntarily committed on the
1715 basis of mental illness, who is required to register on the basis
1716 of a sex offense for which a conviction, adjudication of
1717 delinquency or acquittal by reason of insanity was entered shall
1718 register with the sheriff of the county in which he resides no
1719 later than August 15, 2000, or within three (3) business days of
1720 first residing in or returning to a county of this state.

1721 (7) Every person required to register shall show proof of
1722 domicile. The commissioner shall promulgate any rules and
1723 regulations necessary to enforce this requirement and shall
1724 prescribe the means by which such person may show domicile.

1725 (8) Any driver's license photograph, I.D. photograph, sex
1726 offender photograph, fingerprint, driver's license application
1727 and/or anything submitted to the Department of Public Safety by a
1728 known convicted sex offender, registered or not registered, can be
1729 used by the Department of Public Safety or any other authorized



1730 law enforcement agency for any means necessary in registration,
1731 identification, investigation regarding their tracking or
1732 identification.

1733 (9) The department will assist local law enforcement
1734 agencies in the effort to conduct address and other verifications
1735 of registered sex offenders and will assist in the location and
1736 apprehension of noncompliant sex offenders.

1737 **SECTION 49.** Section 45-33-29, Mississippi Code of 1972, is
1738 amended as follows:

1739 45-33-29. (1) Upon any change of address, including
1740 temporary lodging, an offender required to register under this
1741 chapter is required to personally appear at a facility designated
1742 by the Department of Public Safety * * * not less than ten (10)
1743 days before he intends to first reside at the new address.

1744 (2) Upon any change in the status of a registrant's
1745 enrollment, employment or vocation at any public or private
1746 educational institution, including any secondary school, trade or
1747 professional institution or institution of higher education, the
1748 offender is required to personally appear at a facility designated
1749 by the Department of Public Safety * * * within three (3) business
1750 days of the change.

1751 (3) Upon any change of employment or change of name, a
1752 registrant is required to personally appear at a facility
1753 designated by the Department of Public Safety * * * within three
1754 (3) business days of the change.



1755 (4) Upon any change of vehicle information, a registrant is
1756 required to report the change on an appropriate form supplied by
1757 the department within three (3) business days of the change.

1758 (5) Upon any change of e-mail address or addresses, instant
1759 message address or addresses, or any other designation used in
1760 Internet communications, postings or telephone communications, a
1761 registrant is required to report the change on an appropriate form
1762 supplied by the department within three (3) business days of the
1763 change.

1764 (6) Upon any change of information deemed by the department
1765 to be necessary to the state's policy to assist local law
1766 enforcement agencies' efforts to protect their communities, a
1767 registrant is required to report the change on an appropriate form
1768 supplied by the department within three (3) business days of the
1769 change.

1770 **SECTION 50.** Section 45-33-31, Mississippi Code of 1972, is
1771 amended as follows:

1772 45-33-31. (1) (a) Registrants who are in compliance with a
1773 program of electronic monitoring under this chapter are required
1774 to reregister annually.

1775 (b) All other registrants are required to personally
1776 appear at a facility designated by the Department of Public
1777 Safety * * * to reregister every ninety (90) days.

1778 (2) Reregistration includes the submission of current
1779 information and photograph to the department and the verification



1780 of registration information, including the street address and
1781 telephone number of the registrant; name, street address and
1782 telephone number of the registrant's employment or status at a
1783 school, along with any other registration information that may
1784 need to be verified and the payment of any required fees.

1785 (3) A person who fails to reregister and obtain a renewal
1786 sex offender registration card as required by this section commits
1787 a violation of this chapter. The Department of Public Safety will
1788 immediately notify any sheriff or other jurisdiction of any
1789 changes in information including residence address, employment and
1790 status at a school if that jurisdiction, county or municipality is
1791 affected by the change.

1792 **SECTION 51.** Section 45-33-33, Mississippi Code of 1972, is
1793 amended as follows:

1794 45-33-33. (1) (a) The failure of an offender to personally
1795 appear at a facility designated by the Department of Public
1796 Safety * * * or to provide any registration or other information,
1797 including, but not limited to, initial registration,
1798 reregistration, change of address information, change of
1799 employment, change of name, required notification to a volunteer
1800 organization or any other registration duty or submission of
1801 information required by this chapter is a violation of this
1802 chapter. Additionally, forgery of information or submission of
1803 information under false pretenses, whether by the registrant or
1804 another person, is also a violation of this chapter.



1805 (b) A person commits a violation of this chapter who:

1806 (i) Knowingly harbors, or knowingly attempts to
1807 harbor, or knowingly assists another person in harboring or
1808 attempting to harbor a sex offender who is in violation of this
1809 chapter; * * *

1810 (ii) Knowingly assists a sex offender in eluding a
1811 law enforcement agency that is seeking to find the sex offender to
1812 question the sex offender about, or to arrest the sex offender
1813 for, noncompliance with the requirements of this chapter; or

1814 (iii) Provides information to a law enforcement
1815 agency regarding a sex offender which the person knows to be
1816 false.

1817 (c) A registrant who is required to submit to
1818 electronic monitoring who does not comply with all the terms and
1819 conditions of the electronic monitoring commits a violation of
1820 this chapter.

1821 (2) (a) Unless otherwise specified, a violation of this
1822 chapter shall be considered a felony and shall be punishable by a
1823 fine of not more than Five Thousand Dollars (\$5,000.00),
1824 imprisonment in the custody of the Department of Corrections for
1825 not more than five (5) years, or both fine and imprisonment.

1826 (b) A person who is required to register under this
1827 chapter who is subsequently convicted for a registration violation
1828 under this section, upon release from incarceration, shall submit
1829 to mandatory electronic monitoring under the program established



1830 under Section 45-33-45 for a period computed by subtracting the
1831 time the person spent in actual incarceration from the five-year
1832 maximum imprisonment for the offense and the period of
1833 post-release monitoring shall not be suspended or reduced by the
1834 court or the Department of Corrections.

1835 (3) Whenever it appears that an offender has failed to
1836 comply with the duty to register, reregister or submit to
1837 electronic monitoring, the department shall promptly notify the
1838 sheriff of the county of the last-known address of the offender as
1839 well as the sheriff of the county of the last-known location of
1840 the offender, if different. Upon notification, the sheriff shall
1841 attempt to locate the offender at his last-known address or
1842 last-known location.

1843 (a) If the sheriff locates the offender, he shall
1844 enforce the provisions of this chapter, including initiation of
1845 prosecution if appropriate. The sheriff shall then notify the
1846 department with the current information regarding the offender.

1847 (b) If the sheriff is unable to locate the offender,
1848 the sheriff shall promptly notify the department and initiate a
1849 criminal prosecution against the offender for the failure to
1850 register, reregister or comply with electronic monitoring. The
1851 sheriff shall make the appropriate transactions into the Federal
1852 Bureau of Investigation's wanted-person database and issue a
1853 warrant for the offender's arrest. The department shall notify
1854 the United States Marshals Service of the offender's noncompliant



1855 status and shall update the registry database and website to show
1856 the defendant's noncompliant status as an absconder.

1857 (4) A violation of this chapter shall result in the arrest
1858 of the offender.

1859 (5) Any prosecution for a violation of this section shall be
1860 brought by a prosecutor in the county of the violation.

1861 (6) A person required to register under this chapter who
1862 commits any act or omission in violation of this chapter may be
1863 prosecuted for the act or omission in the county in which the act
1864 or omission was committed, the county of the last registered
1865 address of the sex offender, the county in which the conviction
1866 occurred for the offense or offenses that meet the criteria
1867 requiring the person to register, the county in which he was
1868 designated a sex offender, or the county in which the sex offender
1869 was found.

1870 (7) The Commissioner of Public Safety or his authorized
1871 agent shall suspend the driver's license or driving privilege of
1872 any offender failing to comply with the duty to report, register
1873 or reregister, submit to monitoring, or who has provided false
1874 information.

1875 (8) When a person required to register under this chapter is
1876 accused of any registration offense under this section, pretrial
1877 release on bond shall be conditioned on the offender's submission
1878 to electronic monitoring under the program established under
1879 Section 45-33-45.



1880 **SECTION 52.** Section 45-33-35, Mississippi Code of 1972, is
1881 amended as follows:

1882 45-33-35. (1) The Mississippi Department of Public Safety
1883 shall maintain a central registry of sex offender information as
1884 defined in Section 45-33-25 and shall adopt rules and regulations
1885 necessary to carry out this section. The responsible agencies
1886 shall provide the information required in Section 45-33-25 on a
1887 form developed by the department to ensure accurate information is
1888 maintained.

1889 (2) Upon conviction, adjudication or acquittal by reason of
1890 insanity of any sex offender, if the sex offender is not
1891 immediately confined or not sentenced to a term of imprisonment,
1892 the clerk of the court which convicted and sentenced the sex
1893 offender shall inform the person of the duty to register,
1894 including the duty to personally appear at a facility designated
1895 by the Department of Public Safety * * *, and shall perform the
1896 registration duties as described in Section 45-33-23 and forward
1897 the information to the department.

1898 (3) Before release from prison or placement on parole,
1899 supervised release or in a work center or restitution center, the
1900 Department of Corrections shall inform the person of the duty to
1901 register, including the duty to personally appear at a facility
1902 designated by the Department of Public Safety * * *, and shall
1903 perform the registration duties as described in Section 45-33-23
1904 and forward the information to the Department of Public Safety.



1905 (4) Before release from a community regional mental health
1906 center or from confinement in a mental institution following an
1907 acquittal by reason of insanity, the director of the facility
1908 shall inform the offender of the duty to register, including the
1909 duty to personally appear at a facility designated by the
1910 Department of Public Safety * * *, and shall perform the
1911 registration duties as described in Section 45-33-23 and forward
1912 the information to the Department of Public Safety.

1913 (5) Before release from a youthful offender facility, the
1914 director of the facility shall inform the person of the duty to
1915 register, including the duty to personally appear at a facility
1916 designated by the Department of Public Safety * * *, and shall
1917 perform the registration duties as described in Section 45-33-23
1918 and forward the information to the Department of Public Safety.

1919 (6) In addition to performing the registration duties, the
1920 responsible agency shall:

1921 (a) Inform the person having a duty to register that:

1922 (i) The person is required to personally appear at
1923 a facility designated by the Department of Public Safety * * * at
1924 least ten (10) days before changing address.

1925 (ii) Any change of address to another jurisdiction
1926 shall be reported to the department by personally appearing at a
1927 facility designated by the Department of Public Safety * * * not
1928 less than ten (10) days before the change of address. The



1929 offender shall comply with any registration requirement in the new
1930 jurisdiction.

1931 (iii) The person must register in any jurisdiction
1932 where the person is employed, carries on a vocation, is stationed
1933 in the military or is a student.

1934 (iv) Address verifications shall be made by
1935 personally appearing at a facility designated by the Department of
1936 Public Safety * * * within the required time period.

1937 (v) Notification or verification of a change in
1938 status of a registrant's enrollment, employment or vocation at any
1939 public or private educational institution, including any secondary
1940 school, trade or professional institution, or institution of
1941 higher education shall be reported to the department by personally
1942 appearing at a facility designated by the Department of Public
1943 Safety * * * within three (3) business days of the change.

1944 (vi) If the person has been convicted of a sex
1945 offense, the person shall notify any organization for which the
1946 person volunteers in which volunteers have direct, private or
1947 unsupervised contact with minors that the person has been
1948 convicted of a sex offense as provided in Section 45-33-32(1).

1949 (vii) Upon any change of name or employment, a
1950 registrant is required to personally appear at a facility
1951 designated by the Department of Public Safety * * * within three
1952 (3) business days of the change.



1953 (viii) Upon any change of vehicle information, a
1954 registrant is required to report the change on an appropriate form
1955 supplied by the department within three (3) business days of the
1956 change.

1957 (ix) Upon any change of e-mail address or
1958 addresses, instant message address or addresses or any other
1959 designation used in Internet communications, postings or telephone
1960 communications, a registrant is required to report the change on
1961 an appropriate form supplied by the department within three (3)
1962 business days of the change.

1963 (x) Upon any change of information deemed to be
1964 necessary to the state's policy to assist local law enforcement
1965 agencies' efforts to protect their communities, a registrant is
1966 required to report the change on an appropriate form supplied by
1967 the department within three (3) business days of the change.

1968 (b) Require the person to read and sign a form stating
1969 that the duty of the person to register under this chapter has
1970 been explained.

1971 (c) Obtain or facilitate the obtaining of a biological
1972 sample from every registrant as required by this chapter if such
1973 biological sample has not already been provided to the Mississippi
1974 Forensics Laboratory.

1975 (d) Provide a copy of the order of conviction or
1976 sentencing order to the department at the time of registration.



1977 **SECTION 53.** Section 45-33-43, Mississippi Code of 1972, is
1978 amended as follows:

1979 45-33-43. At the time a person surrenders a driver's license
1980 from another jurisdiction or makes an application for a driver's
1981 license, temporary driving permit, intermediate license,
1982 commercial driver's license or identification card issued under
1983 Section 45-35-3, the * * * Secretary of State shall provide the
1984 applicant with written information on the registration
1985 requirements of this chapter and shall require written
1986 acknowledgment by the applicant of receipt of the notification.

1987 **SECTION 54.** Section 45-9-101, Mississippi Code of 1972, is
1988 amended as follows:

1989 45-9-101. (1) (a) Except as otherwise provided, the * * *
1990 Secretary of State is authorized to issue licenses to carry stun
1991 guns, concealed pistols or revolvers to persons qualified as
1992 provided in this section. Such licenses shall be valid throughout
1993 the state for a period of five (5) years from the date of
1994 issuance. Any person possessing a valid license issued pursuant
1995 to this section may carry a stun gun, concealed pistol or
1996 concealed revolver.

1997 (b) The licensee must carry the license, together with
1998 valid identification, at all times in which the licensee is
1999 carrying a stun gun, concealed pistol or revolver and must display
2000 both the license and proper identification upon demand by a law
2001 enforcement officer. A violation of the provisions of this



2002 paragraph (b) shall constitute a noncriminal violation with a
2003 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
2004 by summons.

2005 (2) The * * * Secretary of State shall issue a license if
2006 the applicant:

2007 (a) Is a resident of the state. However, this
2008 residency requirement may be waived if the applicant possesses a
2009 valid permit from another state, is active military personnel
2010 stationed in Mississippi, or is a retired law enforcement officer
2011 establishing residency in the state;

2012 (b) (i) Is twenty-one (21) years of age or older; or

2013 (ii) Is at least eighteen (18) years of age but
2014 not yet twenty-one (21) years of age and the applicant:

2015 1. Is a member or veteran of the United
2016 States Armed Forces, including National Guard or Reserve; and

2017 2. Holds a valid Mississippi driver's license
2018 or identification card issued by the * * * Secretary of State;

2019 (c) Does not suffer from a physical infirmity which
2020 prevents the safe handling of a stun gun, pistol or revolver;

2021 (d) Is not ineligible to possess a firearm by virtue of
2022 having been convicted of a felony in a court of this state, of any
2023 other state, or of the United States without having been pardoned
2024 for same;

2025 (e) Does not chronically or habitually abuse controlled
2026 substances to the extent that his normal faculties are impaired.



2027 It shall be presumed that an applicant chronically and habitually
2028 uses controlled substances to the extent that his faculties are
2029 impaired if the applicant has been voluntarily or involuntarily
2030 committed to a treatment facility for the abuse of a controlled
2031 substance or been found guilty of a crime under the provisions of
2032 the Uniform Controlled Substances Law or similar laws of any other
2033 state or the United States relating to controlled substances
2034 within a three-year period immediately preceding the date on which
2035 the application is submitted;

2036 (f) Does not chronically and habitually use alcoholic
2037 beverages to the extent that his normal faculties are impaired.
2038 It shall be presumed that an applicant chronically and habitually
2039 uses alcoholic beverages to the extent that his normal faculties
2040 are impaired if the applicant has been voluntarily or
2041 involuntarily committed as an alcoholic to a treatment facility or
2042 has been convicted of two (2) or more offenses related to the use
2043 of alcohol under the laws of this state or similar laws of any
2044 other state or the United States within the three-year period
2045 immediately preceding the date on which the application is
2046 submitted;

2047 (g) Desires a legal means to carry a stun gun,
2048 concealed pistol or revolver to defend himself;

2049 (h) Has not been adjudicated mentally incompetent, or
2050 has waited five (5) years from the date of his restoration to
2051 capacity by court order;



2052 (i) Has not been voluntarily or involuntarily committed
2053 to a mental institution or mental health treatment facility unless
2054 he possesses a certificate from a psychiatrist licensed in this
2055 state that he has not suffered from disability for a period of
2056 five (5) years;

2057 (j) Has not had adjudication of guilt withheld or
2058 imposition of sentence suspended on any felony unless three (3)
2059 years have elapsed since probation or any other conditions set by
2060 the court have been fulfilled;

2061 (k) Is not a fugitive from justice; and

2062 (l) Is not disqualified to possess a weapon based on
2063 federal law.

2064 (3) The * * * Secretary of State may deny a license if the
2065 applicant has been found guilty of one or more crimes of violence
2066 constituting a misdemeanor unless three (3) years have elapsed
2067 since probation or any other conditions set by the court have been
2068 fulfilled or expunction has occurred prior to the date on which
2069 the application is submitted, or may revoke a license if the
2070 licensee has been found guilty of one or more crimes of violence
2071 within the preceding three (3) years. The Department of Public
2072 Safety shall, upon notification by a law enforcement agency or a
2073 court and subsequent written verification, suspend a license or
2074 the processing of an application for a license if the licensee or
2075 applicant is arrested or formally charged with a crime which would
2076 disqualify such person from having a license under this section,



2077 until final disposition of the case. The provisions of subsection
2078 (7) of this section shall apply to any suspension or revocation of
2079 a license pursuant to the provisions of this section.

2080 (4) The application shall be completed, under oath, on a
2081 form promulgated by the * * * Secretary of State and shall include
2082 only:

2083 (a) The name, address, place and date of birth, race,
2084 sex and occupation of the applicant;

2085 (b) The driver's license number or social security
2086 number of applicant;

2087 (c) Any previous address of the applicant for the two
2088 (2) years preceding the date of the application;

2089 (d) A statement that the applicant is in compliance
2090 with criteria contained within subsections (2) and (3) of this
2091 section;

2092 (e) A statement that the applicant has been furnished a
2093 copy of this section and is knowledgeable of its provisions;

2094 (f) A conspicuous warning that the application is
2095 executed under oath and that a knowingly false answer to any
2096 question, or the knowing submission of any false document by the
2097 applicant, subjects the applicant to criminal prosecution; and

2098 (g) A statement that the applicant desires a legal
2099 means to carry a stun gun, concealed pistol or revolver to defend
2100 himself.



2101 (5) The applicant shall submit only the following to
2102 the * * * Secretary of State:

2103 (a) A completed application as described in subsection
2104 (4) of this section;

2105 (b) A full-face photograph of the applicant taken
2106 within the preceding thirty (30) days in which the head, including
2107 hair, in a size as determined by the * * * Secretary of State,
2108 except that an applicant who is younger than twenty-one (21) years
2109 of age must submit a photograph in profile of the applicant;

2110 (c) A nonrefundable license fee of Eighty Dollars
2111 (\$80.00). Costs for processing the set of fingerprints as
2112 required in paragraph (d) of this subsection shall be borne by the
2113 applicant. Honorably retired law enforcement officers, disabled
2114 veterans and active duty members of the Armed Forces of the United
2115 States shall be exempt from the payment of the license fee;

2116 (d) A full set of fingerprints of the applicant
2117 administered by the * * * Secretary of State; and

2118 (e) A waiver authorizing the * * * Secretary of State
2119 access to any records concerning commitments of the applicant to
2120 any of the treatment facilities or institutions referred to in
2121 subsection (2) and permitting access to all the applicant's
2122 criminal records.

2123 (6) (a) The * * * Secretary of State, upon receipt of the
2124 items listed in subsection (5) of this section, shall forward the



2125 full set of fingerprints of the applicant to the appropriate
2126 agencies for state and federal processing.

2127 (b) The * * * Secretary of State shall forward a copy
2128 of the applicant's application to the sheriff of the applicant's
2129 county of residence and, if applicable, the police chief of the
2130 applicant's municipality of residence. The sheriff of the
2131 applicant's county of residence and, if applicable, the police
2132 chief of the applicant's municipality of residence may, at his
2133 discretion, participate in the process by submitting a voluntary
2134 report to the * * * Secretary of State containing any readily
2135 discoverable prior information that he feels may be pertinent to
2136 the licensing of any applicant. The reporting shall be made
2137 within thirty (30) days after the date he receives the copy of the
2138 application. Upon receipt of a response from a sheriff or police
2139 chief, such sheriff or police chief shall be reimbursed at a rate
2140 set by the * * * Secretary of State.

2141 (c) The * * * Secretary of State shall, within
2142 forty-five (45) days after the date of receipt of the items listed
2143 in subsection (5) of this section:

2144 (i) Issue the license;

2145 (ii) Deny the application based solely on the
2146 ground that the applicant fails to qualify under the criteria
2147 listed in subsections (2) and (3) of this section. If the * * *
2148 Secretary of State denies the application, it shall notify the
2149 applicant in writing, stating the ground for denial, and the



2150 denial shall be subject to the appeal process set forth in
2151 subsection (7); or

2152 (iii) Notify the applicant that the * * *
2153 Secretary of State is unable to make a determination regarding the
2154 issuance or denial of a license within the forty-five-day period
2155 prescribed by this subsection, and provide an estimate of the
2156 amount of time the department will need to make the determination.

2157 (d) In the event a legible set of fingerprints, as
2158 determined by the * * * Secretary of State and the Federal Bureau
2159 of Investigation, cannot be obtained after a minimum of two (2)
2160 attempts, the * * * Secretary of State shall determine eligibility
2161 based upon a name check by the Mississippi Highway Safety Patrol
2162 and a Federal Bureau of Investigation name check conducted by the
2163 Mississippi Highway Safety Patrol at the request of the * * *
2164 Secretary of State.

2165 (7) (a) If the * * * Secretary of State denies the issuance
2166 of a license, or suspends or revokes a license, the party
2167 aggrieved may appeal such denial, suspension or revocation to
2168 the * * * Secretary of State, or his authorized agent, within
2169 thirty (30) days after the aggrieved party receives written notice
2170 of such denial, suspension or revocation. The * * * Secretary of
2171 State, or his duly authorized agent, shall rule upon such appeal
2172 within thirty (30) days after the appeal is filed and failure to
2173 rule within this thirty-day period shall constitute sustaining
2174 such denial, suspension or revocation. Such review shall be



2175 conducted pursuant to such reasonable rules and regulations as
2176 the * * * Secretary of State may adopt.

2177 (b) If the revocation, suspension or denial of issuance
2178 is sustained by the * * * Secretary of State, or his duly
2179 authorized agent pursuant to paragraph (a) of this subsection, the
2180 aggrieved party may file within ten (10) days after the rendition
2181 of such decision a petition in the circuit or county court of his
2182 residence for review of such decision. A hearing for review shall
2183 be held and shall proceed before the court without a jury upon the
2184 record made at the hearing before the * * * Secretary of State or
2185 his duly authorized agent. No such party shall be allowed to
2186 carry a stun gun, concealed pistol or revolver pursuant to the
2187 provisions of this section while any such appeal is pending.

2188 (8) The * * * Secretary of State shall maintain an automated
2189 listing of license holders and such information shall be available
2190 online, upon request, at all times, to all law enforcement
2191 agencies through the Mississippi Crime Information Center.
2192 However, the records of the * * * Secretary of State relating to
2193 applications for licenses to carry stun guns, concealed pistols or
2194 revolvers and records relating to license holders shall be exempt
2195 from the provisions of the Mississippi Public Records Act of 1983,
2196 and shall be released only upon order of a court having proper
2197 jurisdiction over a petition for release of the record or records.

2198 (9) Within thirty (30) days after the changing of a
2199 permanent address, or within thirty (30) days after having a



2200 license lost or destroyed, the licensee shall notify the * * *
2201 Secretary of State in writing of such change or loss. Failure to
2202 notify the * * * Secretary of State pursuant to the provisions of
2203 this subsection shall constitute a noncriminal violation with a
2204 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
2205 by a summons.

2206 (10) In the event that a stun gun, concealed pistol or
2207 revolver license is lost or destroyed, the person to whom the
2208 license was issued shall comply with the provisions of subsection
2209 (9) of this section and may obtain a duplicate, or substitute
2210 thereof, upon payment of Fifteen Dollars (\$15.00) to the * * *
2211 Secretary of State, and furnishing a notarized statement to
2212 the * * * Secretary of State that such license has been lost or
2213 destroyed.

2214 (11) A license issued under this section shall be revoked if
2215 the licensee becomes ineligible under the criteria set forth in
2216 subsection (2) of this section.

2217 (12) (a) No less than ninety (90) days prior to the
2218 expiration date of the license, the * * * Secretary of State shall
2219 mail to each licensee a written notice of the expiration and a
2220 renewal form prescribed by the * * * Secretary of State. The
2221 licensee must renew his license on or before the expiration date
2222 by filing with the department the renewal form, a notarized
2223 affidavit stating that the licensee remains qualified pursuant to
2224 the criteria specified in subsections (2) and (3) of this section,



2225 and a full set of fingerprints administered by the * * * Secretary
2226 of State or the sheriff of the county of residence of the
2227 licensee. The first renewal may be processed by mail and the
2228 subsequent renewal must be made in person. Thereafter every other
2229 renewal may be processed by mail to assure that the applicant must
2230 appear in person every ten (10) years for the purpose of obtaining
2231 a new photograph.

2232 (i) Except as provided in this subsection, a
2233 renewal fee of Forty Dollars (\$40.00) shall also be submitted
2234 along with costs for processing the fingerprints;

2235 (ii) Honorably retired law enforcement officers,
2236 disabled veterans and active duty members of the Armed Forces of
2237 the United States shall be exempt from the renewal fee; and

2238 (iii) The renewal fee for a Mississippi resident
2239 aged sixty-five (65) years of age or older shall be Twenty Dollars
2240 (\$20.00).

2241 (b) The * * * Secretary of State shall forward the full
2242 set of fingerprints of the applicant to the appropriate agencies
2243 for state and federal processing. The license shall be renewed
2244 upon receipt of the completed renewal application and appropriate
2245 payment of fees.

2246 (c) A licensee who fails to file a renewal application
2247 on or before its expiration date must renew his license by paying
2248 a late fee of Fifteen Dollars (\$15.00). No license shall be
2249 renewed six (6) months or more after its expiration date, and such



2250 license shall be deemed to be permanently expired. A person whose
2251 license has been permanently expired may reapply for licensure;
2252 however, an application for licensure and fees pursuant to
2253 subsection (5) of this section must be submitted, and a background
2254 investigation shall be conducted pursuant to the provisions of
2255 this section.

2256 (13) No license issued pursuant to this section shall
2257 authorize any person to carry a stun gun, concealed pistol or
2258 revolver into any place of nuisance as defined in Section 95-3-1,
2259 Mississippi Code of 1972; any police, sheriff or highway patrol
2260 station; any detention facility, prison or jail; any courthouse;
2261 any courtroom, except that nothing in this section shall preclude
2262 a judge from carrying a concealed weapon or determining who will
2263 carry a concealed weapon in his courtroom; any polling place; any
2264 meeting place of the governing body of any governmental entity;
2265 any meeting of the Legislature or a committee thereof; any school,
2266 college or professional athletic event not related to firearms;
2267 any portion of an establishment, licensed to dispense alcoholic
2268 beverages for consumption on the premises, that is primarily
2269 devoted to dispensing alcoholic beverages; any portion of an
2270 establishment in which beer or light wine is consumed on the
2271 premises, that is primarily devoted to such purpose; any
2272 elementary or secondary school facility; any junior college,
2273 community college, college or university facility unless for the
2274 purpose of participating in any authorized firearms-related



2275 activity; inside the passenger terminal of any airport, except
2276 that no person shall be prohibited from carrying any legal firearm
2277 into the terminal if the firearm is encased for shipment, for
2278 purposes of checking such firearm as baggage to be lawfully
2279 transported on any aircraft; any church or other place of worship,
2280 except as provided in Section 45-9-171; or any place where the
2281 carrying of firearms is prohibited by federal law. In addition to
2282 the places enumerated in this subsection, the carrying of a stun
2283 gun, concealed pistol or revolver may be disallowed in any place
2284 in the discretion of the person or entity exercising control over
2285 the physical location of such place by the placing of a written
2286 notice clearly readable at a distance of not less than ten (10)
2287 feet that the "carrying of a pistol or revolver is prohibited."
2288 No license issued pursuant to this section shall authorize the
2289 participants in a parade or demonstration for which a permit is
2290 required to carry a stun gun, concealed pistol or revolver.

2291 (14) A law enforcement officer as defined in Section 45-6-3,
2292 chiefs of police, sheriffs and persons licensed as professional
2293 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
2294 1972, shall be exempt from the licensing requirements of this
2295 section. The licensing requirements of this section do not apply
2296 to the carrying by any person of a stun gun, pistol or revolver,
2297 knife, or other deadly weapon that is not concealed as defined in
2298 Section 97-37-1.



2299 (15) Any person who knowingly submits a false answer to any
2300 question on an application for a license issued pursuant to this
2301 section, or who knowingly submits a false document when applying
2302 for a license issued pursuant to this section, shall, upon
2303 conviction, be guilty of a misdemeanor and shall be punished as
2304 provided in Section 99-19-31, Mississippi Code of 1972.

2305 (16) All fees collected by the * * * Secretary of State
2306 pursuant to this section shall be deposited into a special fund
2307 hereby created in the State Treasury and shall be used for
2308 implementation and administration of this section. After the
2309 close of each fiscal year, the balance in this fund shall be
2310 certified to the Legislature and then may be used by the * * *
2311 Secretary of State as directed by the Legislature.

2312 (17) All funds received by a sheriff or police chief
2313 pursuant to the provisions of this section shall be deposited into
2314 the general fund of the county or municipality, as appropriate,
2315 and shall be budgeted to the sheriff's office or police department
2316 as appropriate.

2317 (18) Nothing in this section shall be construed to require
2318 or allow the registration, documentation or providing of serial
2319 numbers with regard to any stun gun or firearm.

2320 (19) Any person holding a valid unrevoked and unexpired
2321 license to carry stun guns, concealed pistols or revolvers issued
2322 in another state shall have such license recognized by this state
2323 to carry stun guns, concealed pistols or revolvers. The * * *



2324 Secretary of State is authorized to enter into a reciprocal
2325 agreement with another state if that state requires a written
2326 agreement in order to recognize licenses to carry stun guns,
2327 concealed pistols or revolvers issued by this state. All prior
2328 agreements entered into by the Department of Public Safety shall
2329 remain valid in this state until such agreement is revoked or
2330 amended by the Secretary of State.

2331 (20) The provisions of this section shall be under the
2332 supervision of the * * * Secretary of State. The * * * Secretary
2333 of State is authorized to promulgate reasonable rules and
2334 regulations to carry out the provisions of this section.

2335 (21) For the purposes of this section, the term "stun gun"
2336 means a portable device or weapon from which an electric current,
2337 impulse, wave or beam may be directed, which current, impulse,
2338 wave or beam is designed to incapacitate temporarily, injure,
2339 momentarily stun, knock out, cause mental disorientation or
2340 paralyze.

2341 (22) (a) * * * The * * * Secretary of State shall
2342 promulgate rules and regulations which provide that licenses
2343 authorized by this section for honorably retired law enforcement
2344 officers and honorably retired correctional officers from the
2345 Mississippi Department of Corrections shall (i) include the words
2346 "retired law enforcement officer" on the front of the license, and
2347 (ii) that the license itself have a red background to distinguish
2348 it from other licenses issued under this section.



2349 (b) An honorably retired law enforcement officer and
2350 honorably retired correctional officer shall provide the following
2351 information to receive the license described in this section: (i)
2352 a letter, with the official letterhead of the agency or department
2353 from which such officer is retiring, which explains that such
2354 officer is honorably retired, and (ii) a letter with the official
2355 letterhead of the agency or department, which explains that such
2356 officer has completed a certified law enforcement training
2357 academy.

2358 (23) A disabled veteran who seeks to qualify for an
2359 exemption under this section shall be required to provide, as
2360 proof of service-connected disability, verification from the
2361 United States Department of Veterans Affairs.

2362 (24) A license under this section is not required for a
2363 loaded or unloaded pistol or revolver to be carried upon the
2364 person in a sheath, belt holster or shoulder holster or in a
2365 purse, handbag, satchel, other similar bag or briefcase or fully
2366 enclosed case if the person is not engaged in criminal activity
2367 other than a misdemeanor traffic offense, is not otherwise
2368 prohibited from possessing a pistol or revolver under state or
2369 federal law, and is not in a location prohibited under subsection
2370 (13) of this section.

2371 **SECTION 55.** Section 97-37-7, Mississippi Code of 1972, is
2372 amended as follows:



2373 97-37-7. (1) (a) It shall not be a violation of Section
2374 97-37-1 or any other statute for pistols, firearms or other
2375 suitable and appropriate weapons to be carried by duly constituted
2376 bank guards, company guards, watchmen, railroad special agents or
2377 duly authorized representatives who are not sworn law enforcement
2378 officers, agents or employees of a patrol service, guard service,
2379 or a company engaged in the business of transporting money,
2380 securities or other valuables, while actually engaged in the
2381 performance of their duties as such, provided that such persons
2382 have made a written application and paid a nonrefundable permit
2383 fee of One Hundred Dollars (\$100.00) to the * * * Secretary of
2384 State.

2385 (b) No permit shall be issued to any person who has
2386 ever been convicted of a felony under the laws of this or any
2387 other state or of the United States. To determine an applicant's
2388 eligibility for a permit, the person shall be fingerprinted. If
2389 no disqualifying record is identified at the state level, the
2390 fingerprints shall be forwarded by the * * * Secretary of State to
2391 the Federal Bureau of Investigation for a national criminal
2392 history record check. The * * * Secretary of State shall charge a
2393 fee which includes the amounts required by the Federal Bureau of
2394 Investigation and the department for the national and state
2395 criminal history record checks and any necessary costs incurred by
2396 the department for the handling and administration of the criminal
2397 history background checks. In the event a legible set of



2398 fingerprints, as determined by the * * * Secretary of State and
2399 the Federal Bureau of Investigation, cannot be obtained after a
2400 minimum of three (3) attempts, the * * * Secretary of State shall
2401 determine eligibility based upon a name check by the Mississippi
2402 Highway Safety Patrol and a Federal Bureau of Investigation name
2403 check conducted by the Mississippi Highway Safety Patrol at the
2404 request of the * * * Secretary of State.

2405 (c) A person may obtain a duplicate of a lost or
2406 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
2407 replacement fee to the * * * Secretary of State, if he furnishes a
2408 notarized statement to the * * * Secretary of State that the
2409 permit has been lost or destroyed.

2410 (d) (i) No less than ninety (90) days prior to the
2411 expiration date of a permit, the * * * Secretary of State
2412 shall * * * provide notice of expiration to the permit
2413 holder * * * together with the renewal form prescribed by
2414 the * * * Secretary of State. The permit holder shall renew the
2415 permit on or before the expiration date by filing with the * * *
2416 Secretary of State the renewal form, a notarized affidavit stating
2417 that the permit holder remains qualified, and the renewal fee of
2418 Fifty Dollars (\$50.00); honorably retired law enforcement officers
2419 shall be exempt from payment of the renewal fee. A permit holder
2420 who fails to file a renewal application on or before its
2421 expiration date shall pay a late fee of Fifteen Dollars (\$15.00).



2422 (ii) Renewal of the permit shall be required every
2423 four (4) years. The permit of a qualified renewal applicant shall
2424 be renewed upon receipt of the completed renewal application and
2425 appropriate payment of fees.

2426 (iii) A permit cannot be renewed six (6) months or
2427 more after its expiration date, and such permit shall be deemed to
2428 be permanently expired; the holder may reapply for an original
2429 permit as provided in this section.

2430 (2) It shall not be a violation of this or any other statute
2431 for pistols, firearms or other suitable and appropriate weapons to
2432 be carried by Department of Wildlife, Fisheries and Parks law
2433 enforcement officers, railroad special agents who are sworn law
2434 enforcement officers, investigators employed by the Attorney
2435 General, criminal investigators employed by the district
2436 attorneys, all prosecutors, public defenders, investigators or
2437 probation officers employed by the Department of Corrections,
2438 employees of the State Auditor who are authorized by the State
2439 Auditor to perform investigative functions, employees of the
2440 Secretary of State who are authorized by the Secretary of State to
2441 perform investigative functions, or any deputy fire marshal or
2442 investigator employed by the State Fire Marshal, while engaged in
2443 the performance of their duties as such, or by fraud investigators
2444 with the Department of Human Services, or by judges of the
2445 Mississippi Supreme Court, Court of Appeals, circuit, chancery,
2446 county, justice and municipal courts, or by coroners. Before any



2447 person shall be authorized under this subsection to carry a
2448 weapon, he shall complete a weapons training course approved by
2449 the Board of Law Enforcement Officer Standards and Training.
2450 Before any criminal investigator employed by a district attorney
2451 shall be authorized under this section to carry a pistol, firearm
2452 or other weapon, he shall have complied with Section 45-6-11 or
2453 any training program required for employment as an agent of the
2454 Federal Bureau of Investigation. A law enforcement officer, as
2455 defined in Section 45-6-3, shall be authorized to carry weapons in
2456 courthouses in performance of his official duties. A person
2457 licensed under Section 45-9-101 to carry a concealed pistol, who
2458 (a) has voluntarily completed an instructional course in the safe
2459 handling and use of firearms offered by an instructor certified by
2460 a nationally recognized organization that customarily offers
2461 firearms training, or by any other organization approved by
2462 the * * * Secretary of State, (b) is a member or veteran of any
2463 active or reserve component branch of the United States of America
2464 Armed Forces having completed law enforcement or combat training
2465 with pistols or other handguns as recognized by such branch after
2466 submitting an affidavit attesting to have read, understand and
2467 agree to comply with all provisions of the enhanced carry law, or
2468 (c) is an honorably retired law enforcement officer or honorably
2469 retired member or veteran of any active or reserve component
2470 branch of the United States of America Armed Forces having
2471 completed law enforcement or combat training with pistols or other



2472 handguns, after submitting an affidavit attesting to have read,
2473 understand and agree to comply with all provisions of Mississippi
2474 enhanced carry law shall also be authorized to carry weapons in
2475 courthouses except in courtrooms during a judicial proceeding, and
2476 any location listed in subsection (13) of Section 45-9-101, except
2477 any place of nuisance as defined in Section 95-3-1, any police,
2478 sheriff or highway patrol station or any detention facility,
2479 prison or jail. For the purposes of this subsection (2),
2480 component branch of the United States Armed Forces includes the
2481 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
2482 National Guard, the Army National Guard of the United States, the
2483 Air National Guard or the Air National Guard of the United States,
2484 as those terms are defined in Section 101, Title 10, United States
2485 Code, and any other reserve component of the United States Armed
2486 Forces enumerated in Section 10101, Title 10, United States Code.
2487 The * * * Secretary of State shall promulgate rules and
2488 regulations allowing concealed pistol permit holders to obtain an
2489 endorsement on their permit indicating that they have completed
2490 the aforementioned course and have the authority to carry in these
2491 locations. This section shall in no way interfere with the right
2492 of a trial judge to restrict the carrying of firearms in the
2493 courtroom.

2494 For purposes of this subsection (2), the following words
2495 shall have the meanings described herein, unless the context
2496 otherwise requires:



2497 (i) "Courthouse" means any building in which a
2498 circuit court, chancery court, youth court, municipal court,
2499 justice court or any appellate court is located, or any building
2500 in which a court of law is regularly held.

2501 (ii) "Courtroom" means the actual room in which a
2502 judicial proceeding occurs, including any jury room, witness room,
2503 judge's chamber, office housing the judge's staff, or similar
2504 room. "Courtroom" shall not mean hallways, courtroom entrances,
2505 courthouse grounds, lobbies, corridors, or other areas within a
2506 courthouse which are generally open to the public for the
2507 transaction of business outside of an active judicial proceeding,
2508 the grassed areas, cultivated flower beds, sidewalks, parking
2509 lots, or other areas contained within the boundaries of the public
2510 land upon which the courthouse is located.

2511 (3) It shall not be a violation of this or any other statute
2512 for pistols, firearms or other suitable and appropriate weapons,
2513 to be carried by any out-of-state, full-time commissioned law
2514 enforcement officer who holds a valid commission card from the
2515 appropriate out-of-state law enforcement agency and a photo
2516 identification. The provisions of this subsection shall only
2517 apply if the state where the out-of-state officer is employed has
2518 entered into a reciprocity agreement with the state that allows
2519 full-time commissioned law enforcement officers in Mississippi to
2520 lawfully carry or possess a weapon in such other states. The
2521 Commissioner of Public Safety is authorized to enter into



2522 reciprocal agreements with other states to carry out the
2523 provisions of this subsection.

2524 **SECTION 56.** Section 97-37-9, Mississippi Code of 1972, is
2525 amended as follows:

2526 97-37-9. Any person indicted or charged for a violation of
2527 Section 97-37-1 may show as a defense:

2528 (a) That he was threatened, and had good and sufficient
2529 reason to apprehend a serious attack from any enemy, and that he
2530 did so apprehend; or

2531 (b) That he was traveling and was not a tramp, or was
2532 setting out on a journey and was not a tramp; or

2533 (c) That he was a law enforcement or peace officer in
2534 the discharge of his duties; or

2535 (d) That he was at the time in the discharge of his
2536 duties as a mail carrier; or

2537 (e) That he was at the time engaged in transporting
2538 valuables for an express company or bank; or

2539 (f) That he was a member of the Armed Forces of the
2540 United States, National Guard, State Militia, Emergency Management
2541 Corps, guard or patrolman in a state or municipal institution
2542 while in the performance of his official duties; or

2543 (g) That he was in lawful pursuit of a felon; or

2544 (h) That he was lawfully engaged in legitimate sports;

2545 or



2546 (i) That at the time he was a company guard, bank
2547 guard, watchman, or other person enumerated in Section 97-37-7,
2548 and was then actually engaged in the performance of his duties as
2549 such, and then held a valid permit from the sheriff, the
2550 commissioner of public safety, or a valid permit issued by the
2551 Secretary of State prior to May 1, 1974, or after January 1, 2021,
2552 to carry the weapon; and the burden of proving either of said
2553 defenses shall be on the accused; or

2554 (j) That at the time he or she was a member of a church
2555 or place of worship security program, and was then actually
2556 engaged in the performance of his or her duties as such and met
2557 the requirements of Section 45-9-171.

2558 **SECTION 57.** Section 45-1-13, Mississippi Code of 1972, is
2559 amended as follows:

2560 45-1-13. Notwithstanding the provisions of Sections 45-1-1,
2561 45-1-5, 45-1-17, and 45-3-7 through 45-3-9, * * * Mississippi Code
2562 of 1972, designating or specifying the division or department in
2563 which any employee shall be employed and the duties which such
2564 employee shall perform, the commissioner shall have full power and
2565 authority, in his discretion, to place and use any employees in
2566 any other division or department and to require such employees to
2567 perform and discharge duties arising under the Highway Safety
2568 Patrol and Driver's License Law of 1938.

2569 **SECTION 58.** Section 45-1-37, Mississippi Code of 1972, is
2570 amended as follows:



2571 45-1-37. * * * The Commissioner of Public Safety is hereby
2572 authorized and directed to seek reciprocal agreements with
2573 bordering states to allow law enforcement officers of the State of
2574 Mississippi to enter into such bordering states while in pursuit
2575 of persons who have committed crimes for the purpose of
2576 apprehending and arresting such persons. Any state who enters
2577 into such reciprocal agreement shall be authorized to enter into
2578 the State of Mississippi for the same purpose.

2579 * * *

2580 **SECTION 59.** Section 23-15-47, Mississippi Code of 1972, is
2581 amended as follows:

2582 23-15-47. (1) Any person who is qualified to register to
2583 vote in the State of Mississippi may register to vote by mail-in
2584 application in the manner prescribed in this section.

2585 (2) The following procedure shall be used in the
2586 registration of electors by mail:

2587 (a) Any qualified elector may register to vote by
2588 mailing or delivering a completed mail-in application to his or
2589 her county registrar at least thirty (30) days before any
2590 election; however, if the thirtieth day to register before an
2591 election falls on a Sunday or legal holiday, the registration
2592 applications submitted on the business day immediately following
2593 the Sunday or legal holiday shall be accepted and entered into the
2594 Statewide Elections Management System for the purpose of enabling



2595 voters to vote in the next election. The postmark date of a
2596 mailed application shall be the applicant's date of registration.

2597 (b) Upon receipt of a mail-in application, the county
2598 registrar shall stamp the application with the date of receipt,
2599 and shall verify the application either by matching the
2600 applicant's Mississippi driver's license number through the * * *
2601 Secretary of State or by matching the applicant's social security
2602 number through the American Association of Motor Vehicle
2603 Administrators. Within fourteen (14) days of receipt of a mail-in
2604 registration application, the county registrar shall complete
2605 action on the application, including any attempts to notify the
2606 applicant of the status of his or her application.

2607 (c) If the county registrar determines that the
2608 applicant is qualified and his or her application is legible and
2609 complete, the county registrar shall mail the applicant written
2610 notification that the application has been approved, specifying
2611 the county voting precinct, municipal voting precinct, if any,
2612 polling place and supervisor district in which the person shall
2613 vote. This written notification of approval containing the
2614 specified information shall be the voter's registration card. The
2615 registration card shall be provided by the county registrar to the
2616 applicant in accordance with Section 23-15-39. Upon entry of the
2617 voter registration information into the Statewide Elections
2618 Management System, the system shall assign a voter registration
2619 number to the applicant. The assigned voter registration number



2620 shall be clearly shown on the written notification of approval.
2621 In mailing the written notification, the county registrar shall
2622 note the following on the envelope: "DO NOT FORWARD". If any
2623 registration notification form is returned as undeliverable, the
2624 voter's registration shall be void.

2625 (d) A mail-in application shall be rejected for any of
2626 the following reasons:

2627 (i) An incomplete portion of the application makes
2628 it impossible for the registrar to determine the eligibility of
2629 the applicant to register;

2630 (ii) A portion of the application is illegible in
2631 the opinion of the county registrar and makes it impossible to
2632 determine the eligibility of the applicant to register;

2633 (iii) The county registrar is unable to determine,
2634 from the address and information stated on the application, the
2635 precinct in which the voter should be assigned or the supervisor
2636 district in which he or she is entitled to vote;

2637 (iv) The applicant is not qualified to register to
2638 vote pursuant to Section 23-15-11;

2639 (v) The county registrar determines that the
2640 applicant is already registered as a qualified elector of the
2641 county;

2642 (vi) The county registrar is unable to verify the
2643 application pursuant to subsection (2)(b) of this section.



2644 (e) If the mail-in application of a person is subject
2645 to rejection for any of the reasons set forth in paragraph (d)(i)
2646 through (iii) of this subsection, and it appears to the county
2647 registrar that the defect or omission is of such a minor nature
2648 and that any necessary additional information may be supplied by
2649 the applicant over the telephone or by further correspondence, the
2650 county registrar may write or call the applicant at the telephone
2651 number or address, or both, provided on the application. If the
2652 county registrar is able to contact the applicant by mail or
2653 telephone, the county registrar shall attempt to ascertain the
2654 necessary information, and if this information is sufficient for
2655 the registrar to complete the application, the applicant shall be
2656 registered. If the necessary information cannot be obtained by
2657 mail or telephone, or is not sufficient to complete the
2658 application within fourteen (14) days of receipt, the county
2659 registrar shall give the applicant written notice of the rejection
2660 and provide the reason for the rejection. The county registrar
2661 shall further inform the applicant that he or she has a right to
2662 attempt to register by appearing in person or by filing another
2663 mail-in application.

2664 (f) If a mail-in application is subject to rejection
2665 for the reason stated in paragraph (d)(v) of this subsection and
2666 the "present home address" portion of the application is different
2667 from the residence address for the applicant found in the
2668 Statewide Elections Management System, the mail-in application



2669 shall be deemed a written request to update the voter's
2670 registration pursuant to Section 23-15-13. The county registrar
2671 or the election commissioners shall update the voter's residence
2672 address in the Statewide Elections Management System and, if
2673 necessary, advise the voter of a change in the location of his or
2674 her county or municipal polling place by mailing the voter a new
2675 voter registration card.

2676 (3) The instructions and the application form for voter
2677 registration by mail shall be in a form established by rule duly
2678 adopted by the Secretary of State.

2679 (4) (a) The Secretary of State shall prepare and furnish
2680 without charge the necessary forms for application for voter
2681 registration by mail to each county registrar, municipal clerk,
2682 all public schools, each private school that requests such
2683 applications, and all public libraries.

2684 (b) The Secretary of State shall distribute without
2685 charge sufficient forms for application for voter
2686 registration * * * to each driver's license examining and renewal
2687 station in the state, and shall ensure that the forms are
2688 regularly available to the public at such stations.

2689 (c) Bulk quantities of forms for application for voter
2690 registration by mail shall be furnished by the Secretary of State
2691 to any person or organization. The Secretary of State shall
2692 charge a person or organization the actual cost he or she incurs



2693 in providing bulk quantities of forms for application for voter
2694 registration to such person or organization.

2695 (5) The originals of completed mail-in applications shall
2696 remain on file in the office of the county registrar with copies
2697 retained in the Statewide Elections Management System.

2698 (6) If the applicant indicates on the application that he or
2699 she resides within the city limits of a city or town in the county
2700 of registration, the county registrar shall enter the information
2701 into the Statewide Elections Management System.

2702 (7) If the applicant indicates on the application that he or
2703 she has previously registered to vote in another county of this
2704 state or another state, notice to the voter's previous county of
2705 registration in this state shall be provided through the Statewide
2706 Elections Management System. If the voter's previous place of
2707 registration was in another state, notice shall be provided to the
2708 voter's previous state of residence.

2709 (8) Any person who attempts to register to vote by mail
2710 shall be subject to the penalties for false registration provided
2711 for in Section 23-15-17.

2712 **SECTION 60.** Section 23-15-49, Mississippi Code of 1972, is
2713 amended as follows:

2714 23-15-49. (1) (a) The Secretary of State shall * * *
2715 establish a secure Internet website to permit registered electors
2716 to change their name, address or other information set forth in
2717 the elector's existing voter registration record.



2718 (b) Upon the request of an elector through the secure
2719 website, the software used by the Secretary of State for
2720 processing applications through the website shall provide for
2721 verification that:

2722 (i) The elector has a current and valid
2723 Mississippi driver's license or photo identification card issued
2724 by the * * * Secretary of State and the number for that driver's
2725 license or photo identification card provided by the applicant
2726 matches the number for the elector's driver's license or photo
2727 identification card that is on file with the * * * Secretary of
2728 State; and

2729 (ii) The name and date of birth provided by the
2730 voter matches the name and date of birth that is on file with
2731 the * * * Secretary of State.

2732 * * *

2733 If any of the information does not match that on file with
2734 the * * * Secretary of State, the changes shall be rejected.

2735 (2) Any person who attempts to change registration
2736 information under this section shall be subject to the penalties
2737 for false registration provided for in Section 97-13-25.

2738 * * *

2739 **SECTION 61.** Section 23-15-135, Mississippi Code of 1972, is
2740 amended as follows:

2741 23-15-135. (1) The master voter roll as electronically
2742 maintained by the Statewide Elections Management System of the



2743 several voting precincts of each county and the pollbooks
2744 heretofore in use shall be delivered to the registrar of the
2745 county, and they, together with the master voter roll and
2746 pollbooks hereafter made, shall be records of his or her office,
2747 and he or she shall carefully preserve the same as such; and after
2748 each election the pollbooks shall be speedily returned to the
2749 office of the registrar.

2750 (2) The registrar of each county shall provide a location in
2751 the registrar's office at which he or she shall accept
2752 applications for Mississippi Voter Identification Cards in
2753 accordance with the Mississippi Constitution.

2754 * * *

2755 **SECTION 62.** Section 23-15-169.1, Mississippi Code of 1972,
2756 is amended as follows:

2757 23-15-169.1. The Secretary of State * * * shall enter
2758 into * * * any necessary agreement to grant the Secretary of
2759 State's Office "read only" access to the driver's license database
2760 and identification cardholder database for the purpose of matching
2761 information in the database of the Statewide Elections Management
2762 System created in Section 23-15-163 et seq. to the extent required
2763 to enable the Secretary of State to verify the accuracy of
2764 information provided on applications for voter registration in
2765 compliance with the Help America Vote Act of 2002.

2766 **SECTION 63.** Section 23-15-169.2, Mississippi Code of 1972,
2767 is amended as follows:



2768 23-15-169.2. The * * * Secretary of State shall enter into
2769 an agreement with the Commissioner of Social Security under
2770 Section 205(r) (8) of the Social Security Act in accordance with
2771 the Help America Vote Act of 2002 to verify the accuracy of
2772 applicable information provided by the * * * Secretary of State
2773 with respect to applications for voter registration.

2774 **SECTION 64.** Section 41-39-139, Mississippi Code of 1972, is
2775 amended as follows:

2776 41-39-139. (a) The Mississippi Department of Public Safety
2777 and the Secretary of State may establish or contract for the
2778 establishment of a donor registry.

2779 (b) The Mississippi Department of Public Safety and the
2780 Secretary of State shall cooperate with a person that administers
2781 any donor registry that this state establishes, contracts for, or
2782 recognizes for the purpose of transferring to the donor registry
2783 all relevant information regarding a donor's making, amendment to,
2784 or revocation of an anatomical gift.

2785 (c) A donor registry must:

2786 (1) Allow a donor or other person authorized under
2787 Section 41-39-107 to include on the donor registry a statement or
2788 symbol that the donor has made, amended, or revoked an anatomical
2789 gift;

2790 (2) Be accessible to a procurement organization to
2791 allow it to obtain relevant information on the donor registry to
2792 determine, at or near death of the donor or a prospective donor,



2793 whether the donor or prospective donor has made, amended, or
2794 revoked an anatomical gift; and

2795 (3) Be accessible for purposes of paragraphs (1) and
2796 (2) seven (7) days a week on a twenty-four-hour basis.

2797 (d) Except as otherwise provided in subsection (f),
2798 personally identifiable information on a donor registry about a
2799 donor or prospective donor may not be used or disclosed without
2800 the express consent of the donor, prospective donor, or person
2801 that made the anatomical gift for any purpose other than to
2802 determine, at or near death of the donor or prospective donor,
2803 whether the donor or prospective donor has made, amended, or
2804 revoked an anatomical gift.

2805 (e) This section does not prohibit any person from creating
2806 or maintaining a donor registry that is not established by or
2807 under contract with the state. Any such registry must comply with
2808 subsections (c) and (d).

2809 (f) At the time that a person is renewing his or her
2810 driver's license, the * * * Secretary of State shall ask the
2811 person if he or she would like to be a donor. If the answer is
2812 yes, the * * * Secretary of State shall inform the prospective
2813 donor that his or her decision to be a donor cannot be revoked,
2814 changed or contested after his or her death by the donor's next of
2815 kin or by any other person, and shall ask the person if he or she
2816 desires information about the person's decision to be a donor to
2817 be sent to another person or persons. If the answer is yes,



2818 the * * * Secretary of State shall obtain the name and mailing
2819 address of the person or persons designated by the prospective
2820 donor, and the donor registry shall send the information about the
2821 prospective donor's decision to the designated person or persons
2822 as requested.

2823 **SECTION 65.** Section 97-17-43, Mississippi Code of 1972, is
2824 amended as follows:

2825 97-17-43. (1) If any person shall feloniously take, steal
2826 and carry away any personal property of another under the value of
2827 One Thousand Dollars (\$1,000.00), he shall be guilty of petit
2828 larceny and, upon conviction, may be punished by imprisonment in
2829 the county jail not exceeding six (6) months or by a fine not
2830 exceeding One Thousand Dollars (\$1,000.00), or both, if the court
2831 finds substantial and compelling reasons why the offender cannot
2832 be safely and effectively supervised in the community, is not
2833 amenable to community-based treatment, or poses a significant risk
2834 to public safety. If such a finding is not made, the court shall
2835 suspend the sentence of imprisonment and impose a period of
2836 probation not exceeding one (1) year or a fine not exceeding One
2837 Thousand Dollars (\$1,000.00), or both. The total value of
2838 property taken, stolen or carried away by the person from a single
2839 victim shall be aggregated in determining the gravity of the
2840 offense. Any person convicted of a third or subsequent offense
2841 under this section where the value of the property is not less
2842 than Five Hundred Dollars (\$500.00), shall be imprisoned in the



2843 Penitentiary for a term not exceeding three (3) years or fined an
2844 amount not exceeding One Thousand Dollars (\$1,000.00), or both.

2845 (2) If any person shall feloniously take, steal and carry
2846 away any property of a church, synagogue, temple or other
2847 established place of worship under the value of One Thousand
2848 Dollars (\$1,000.00), he shall be guilty of petit larceny and, upon
2849 conviction, may be punished by imprisonment in the county jail not
2850 exceeding one (1) year or by a fine not exceeding Two Thousand
2851 Dollars (\$2,000.00), or both, if the court finds substantial and
2852 compelling reasons why the offender cannot be safely and
2853 effectively supervised in the community, is not amenable to
2854 community-based treatment, or poses a significant risk to public
2855 safety. If such a finding is not made, the court shall suspend
2856 the sentence of imprisonment and impose a period of probation not
2857 exceeding one (1) year or a fine not exceeding Two Thousand
2858 Dollars (\$2,000.00), or both. Any person convicted of a third or
2859 subsequent offense under this section where the value of the
2860 property is not less than Five Hundred Dollars (\$500.00), shall be
2861 imprisoned in the Penitentiary for a term not exceeding three (3)
2862 years or fined an amount not exceeding Two Thousand Dollars
2863 (\$2,000.00), or both.

2864 (3) Any person who leaves the premises of an establishment
2865 at which motor fuel offered for retail sale was dispensed into the
2866 fuel tank of a motor vehicle by driving away in that motor vehicle
2867 without having made due payment or authorized charge for the motor



2868 fuel so dispensed, with intent to defraud the retail
2869 establishment, shall be guilty of petit larceny and punished as
2870 provided in subsection (1) of this section and, upon any second or
2871 subsequent such offense, the driver's license of the person shall
2872 be suspended as follows:

2873 (a) The person shall submit the driver's license to the
2874 court upon conviction and the court shall forward the driver's
2875 license to the * * * Secretary of State.

2876 (b) The first suspension of a driver's license under
2877 this subsection shall be for a period of six (6) months.

2878 (c) A second or subsequent suspension of a driver's
2879 license under this subsection shall be for a period of one (1)
2880 year.

2881 (d) At the expiration of the suspension period, and
2882 upon payment of a restoration fee of Twenty-five Dollars (\$25.00),
2883 the suspension shall terminate and the * * * Secretary of State
2884 shall return the person's driver's license to the person. The
2885 restoration fee shall be in addition to the fees provided for in
2886 Chapter 1, Title 63, * * * and shall be deposited into the State
2887 General Fund in accordance with Section 45-1-23.

2888 **SECTION 66.** Section 9-1-49, Mississippi Code of 1972, is
2889 amended as follows:

2890 9-1-49. (1) The clerk of the court shall prepare and
2891 forward to the * * * Secretary of State the information described



2892 by subsection (2) of this section not later than the thirtieth day
2893 after the date the court:

2894 (a) Judicially determines that a person is a person
2895 with mental illness or person with an intellectual disability
2896 under Title 41, Chapter 21, Mississippi Code of 1972, whether
2897 ordered for inpatient treatment, outpatient treatment, day
2898 treatment, night treatment or home health services treatment;

2899 (b) Acquits a person in a criminal case by reason of
2900 insanity or on a ground of intellectual disability, without regard
2901 to whether the person is ordered by a court to receive inpatient
2902 treatment or residential care under Section 99-13-7;

2903 (c) Appoints a guardian or conservator under Article 2,
2904 3 or 4 of Title 93, Chapter 20, Mississippi Code of 1972, based on
2905 the determination that the person is incapable of managing his own
2906 person or estate;

2907 (d) Determines that a person is incompetent to stand
2908 trial pursuant to Rule 9.06 of the Mississippi Rules of Circuit
2909 and County Court Practice;

2910 (e) Finds under Section 93-20-318 or 93-20-430 that a
2911 person has been restored to reason; or

2912 (f) Enters an order of relief from a firearms
2913 disability under Section 97-37-5(4).

2914 (2) The clerk of the court shall prepare and forward the
2915 following information:

2916 (a) The complete name, race, and sex of the person;



2917 (b) Any known identifying number of the person,
2918 including social security number, driver's license number, or
2919 state identification card number;

2920 (c) The person's date of birth; and

2921 (d) The federal prohibited-person information that is
2922 the basis of the report required by this section.

2923 (3) If practicable, the clerk of the court shall forward to
2924 the * * * Secretary of State the information described by
2925 subsection (2) of this section in an electronic format prescribed
2926 by the * * * Secretary of State.

2927 (4) If an order previously reported to the * * * Secretary
2928 of State under subsection (1) of this section is reversed by order
2929 of any court, the clerk shall notify the * * * Secretary of State
2930 of the reversal not later than thirty (30) days after the clerk
2931 receives the court order or the mandate from the appellate court.

2932 (5) The duty of a clerk to prepare and forward information
2933 under this section is not affected by:

2934 (a) Any subsequent appeal of the court order;

2935 (b) Any subsequent modification of the court order; or

2936 (c) The expiration of the court order.

2937 **SECTION 67.** Section 41-39-103, Mississippi Code of 1972, is
2938 amended as follows:

2939 41-39-103. In Sections 41-39-101 through 41-39-149:

2940 (1) "Adult" means an individual who is at least
2941 eighteen (18) years of age.



2942 (2) "Agent" means an individual:
2943 (A) Authorized to make health care decisions on
2944 the principal's behalf by a power of attorney for health care; or
2945 (B) Expressly authorized to make an anatomical
2946 gift on the principal's behalf by any other record signed by the
2947 principal.

2948 (3) "Anatomical gift" means a donation of all or part
2949 of a human body to take effect after the donor's death for the
2950 purpose of transplantation, therapy, research, or education.

2951 (4) "Decedent" means a deceased individual whose body
2952 or part is or may be the source of an anatomical gift. The term
2953 includes a stillborn infant and, subject to restrictions imposed
2954 by law other than Sections 41-39-101 through 41-39-149, a fetus.

2955 (5) "Disinterested witness" means a witness other than
2956 the spouse, child, parent, sibling, grandchild, grandparent, or
2957 guardian of the individual who makes, amends, revokes, or refuses
2958 to make an anatomical gift, or another adult who exhibited special
2959 care and concern for the individual. The term does not include a
2960 person to which an anatomical gift could pass under Section
2961 41-39-121.

2962 (6) "Document of gift" means a donor card or other
2963 record used to make an anatomical gift. The term includes a
2964 statement or symbol on a driver's license, identification card, or
2965 donor registry.



2966 (7) "Donor" means an individual whose body or part is
2967 the subject of an anatomical gift.

2968 (8) "Donor registry" means a database that contains
2969 records of anatomical gifts and amendments to or revocations of
2970 anatomical gifts.

2971 (9) "Driver's license" means a license or permit issued
2972 by the * * * Secretary of State to operate a vehicle, whether or
2973 not conditions are attached to the license or permit.

2974 (10) "Eye bank" means a person that is licensed,
2975 accredited, or regulated under federal or state law to engage in
2976 the recovery, screening, testing, processing, storage, or
2977 distribution of human eyes or portions of human eyes.

2978 (11) "Guardian" means a person appointed by a court to
2979 make decisions regarding the support, care, education, health, or
2980 welfare of an individual. The term does not include a guardian ad
2981 litem.

2982 (12) "Hospital" means a facility licensed as a hospital
2983 under the law of any state or a facility operated as a hospital by
2984 the United States, a state, or a subdivision of a state.

2985 (13) "Identification card" means an identification card
2986 issued by the * * * Secretary of State.

2987 (14) "Know" means to have actual knowledge.

2988 (15) "Minor" means an individual who is under eighteen
2989 (18) years of age.



2990 (16) "Organ procurement organization" means a person
2991 designated by the Secretary of the United States Department of
2992 Health and Human Services as an organ procurement organization.

2993 (17) "Parent" means a parent whose parental rights have
2994 not been terminated.

2995 (18) "Part" means an organ, an eye, or tissue of a
2996 human being. The term does not include the whole body.

2997 (19) "Person" means an individual, corporation,
2998 business trust, estate, trust, partnership, limited liability
2999 company, association, joint venture, public corporation,
3000 government or governmental subdivision, agency, or
3001 instrumentality, or any other legal or commercial entity.

3002 (20) "Physician" means an individual authorized to
3003 practice medicine or osteopathy under the law of any state.

3004 (21) "Procurement organization" means an eye bank,
3005 organ procurement organization, or tissue bank.

3006 (22) "Prospective donor" means an individual who is
3007 dead or near death, Glasgow Coma Scale of five (5) or less, and
3008 has been determined by a procurement organization to have a part
3009 that could be medically suitable for transplantation, therapy,
3010 research, or education. The term does not include an individual
3011 who has made a refusal.

3012 (23) "Reasonably available" means able to be contacted
3013 by a procurement organization without undue effort and willing and



3014 able to act in a timely manner consistent with existing medical
3015 criteria necessary for the making of an anatomical gift.

3016 (24) "Recipient" means an individual into whose body a
3017 decedent's part has been or is intended to be transplanted.

3018 (25) "Record" means information that is inscribed on a
3019 tangible medium or that is stored in an electronic or other medium
3020 and is retrievable in perceivable form.

3021 (26) "Refusal" means a record created under Section
3022 41-39-113 that expressly states an intent to bar other persons
3023 from making an anatomical gift of an individual's body or part.

3024 (27) "Sign" means, with the present intent to
3025 authenticate or adopt a record:

3026 (A) To execute or adopt a tangible symbol; or

3027 (B) To attach to or logically associate with the
3028 record an electronic symbol, sound, or process.

3029 (28) "State" means a state of the United States, the
3030 District of Columbia, Puerto Rico, the United States Virgin
3031 Islands, or any territory or insular possession subject to the
3032 jurisdiction of the United States.

3033 (29) "Technician" means an individual determined to be
3034 qualified to remove or process parts by an appropriate
3035 organization that is licensed, accredited, or regulated under
3036 federal or state law. The term includes an enucleator.



3037 (30) "Tissue" means a portion of the human body other
3038 than an organ or an eye. The term does not include blood unless
3039 the blood is donated for the purpose of research or education.

3040 (31) "Tissue bank" means a person that is licensed,
3041 accredited, or regulated under federal or state law to engage in
3042 the recovery, screening, testing, processing, storage, or
3043 distribution of tissue.

3044 (32) "Transplant hospital" means a hospital that
3045 furnishes organ transplants and other medical and surgical
3046 specialty services required for the care of transplant patients.

3047 **SECTION 68.** Section 63-16-13, Mississippi Code of 1972, is
3048 amended as follows:

3049 63-16-13. (1) If the operator of a motor vehicle being
3050 operated on the public roads, streets or highways of the State of
3051 Mississippi or registered in the State of Mississippi has been
3052 found failing to have motor vehicle liability insurance in at
3053 least the minimum amounts required under Section 63-15-3(j), it is
3054 a misdemeanor and, upon conviction, is punishable by a fine of One
3055 Hundred Dollars (\$100.00) and suspension of driving privilege for
3056 a period of one (1) year or until the owner of the motor vehicle
3057 shows proof of liability insurance that is in compliance with the
3058 liability limits required by Section 63-15-3(j) and has paid the
3059 fines and assessments imposed and the driver's license
3060 reinstatement fees imposed by the * * * Secretary of State. A
3061 judge shall determine whether the defendant is indigent, and if a



3062 determination of indigence is made, shall authorize the
3063 reinstatement of that person's driver's license upon proof of
3064 mandatory liability insurance subject to compliance with a payment
3065 plan for any fines, assessments and/or fees. If such fines are
3066 levied in a municipal court, the funds from such fines shall be
3067 deposited in the general fund of the municipality. If such fines
3068 are levied in any of the courts of the county, the funds from such
3069 fines shall be deposited in the general fund of the county. A
3070 person convicted of a criminal offense under this subsection (1)
3071 shall not be convicted of a criminal offense under Section
3072 63-15-4(4) arising from the same incident.

3073 (2) (a) There is created in the State Treasury a special
3074 fund to be designated as the "Uninsured Motorist Identification
3075 Fund." The fund shall consist of monies deposited therein as
3076 provided under subsection (1) of this section and monies from any
3077 other source designated for deposit into such fund. Unexpended
3078 amounts remaining in the fund at the end of a fiscal year shall
3079 not lapse into the State General Fund, and any interest earned or
3080 investment earnings on amounts in the fund shall be deposited to
3081 the credit of the fund; however, one-half (1/2) of any monies in
3082 excess of the amount needed to defray the expenses and costs of
3083 the verification system created under Section 63-16-3 remaining in
3084 the fund at the end of a fiscal year shall be transferred to a
3085 special fund created in the State Treasury for the purpose of
3086 funding a Highway Patrol Trooper School, and one-half (1/2) of any



3087 monies in excess of the amount needed to defray the expenses and
3088 costs of the verification system created under Section 63-16-3
3089 remaining in the fund at the end of a fiscal year shall be
3090 transferred to the Mississippi Trauma Care Systems Fund created
3091 under Section 41-59-75.

3092 (b) Monies in the Uninsured Motorist Identification
3093 Fund may be used by the Department of Public Safety, upon
3094 appropriation by the Legislature, only for the purpose of
3095 defraying expenses and costs for the motor vehicle insurance
3096 verification system created under Section 63-16-3. In addition,
3097 at any time during a fiscal year, if the Department of Public
3098 Safety determines that funds in the Law Enforcement Officers and
3099 Fire Fighters Death Benefits Trust Fund created under Section
3100 45-2-1 are insufficient, the department may request the State
3101 Fiscal Officer to transfer funds from the Uninsured Motorist
3102 Identification Fund. The State Fiscal Officer may make an
3103 appropriate transfer if he determines that the funds in the Law
3104 Enforcement Officers and Fire Fighters Death Benefits Trust Fund
3105 are insufficient and the funds in the Uninsured Motorist
3106 Identification Fund will be sufficient for defraying the expenses
3107 and costs for the motor vehicle insurance verification system
3108 created under Section 63-16-3. Monies in the fund used for the
3109 purposes described in this paragraph (b) shall be in addition to
3110 other funds available from any other source for such purposes.



3111 **SECTION 69.** Section 63-9-25, Mississippi Code of 1972, is
3112 amended as follows:

3113 63-9-25. (1) Whenever any person lawfully possessed of a
3114 driver's license theretofore issued to him by the * * * Secretary
3115 of State of the State of Mississippi, or under the laws of any
3116 other state or territory, or the District of Columbia of the
3117 United States, shall be arrested and charged with any offense
3118 against the traffic or motor vehicle laws or rules of the road of
3119 this state, or any municipality thereof, he shall have the option
3120 of depositing his driver's license so issued to him with the
3121 arresting officer or the court in lieu of any other security which
3122 may be required for his appearance in any court in this state in
3123 answer to such charge lodged in such court.

3124 (2) If such person arrested elects to deposit his license as
3125 provided, the arresting officer or court shall issue such person a
3126 receipt for said license upon a form furnished or prescribed by
3127 the Mississippi Department of Public Safety, and thereafter said
3128 person shall be permitted to operate a motor vehicle upon the
3129 highways of this state and streets of the municipalities thereof
3130 during the pendency of the case in which the license was deposited
3131 unless his license or privilege is otherwise revoked, suspended or
3132 canceled, but in no case for a period longer than thirty (30)
3133 days.

3134 (3) The clerk of the court in which the charge is lodged
3135 shall immediately forward to the department the license of the



3136 driver deposited in lieu of bail if the driver fails to appear in
3137 answer to the charge against him. The Commissioner of Public
3138 Safety or his authorized agent shall, upon receipt of a license so
3139 forwarded by the court, suspend the driver's license and driving
3140 privilege of the defaulting driver until notified by the court
3141 that the charge against such driver has been finally adjudicated.

3142 (4) The commissioner shall, upon receipt of a license of a
3143 nonresident driver, forward notice to his counterpart in the state
3144 of the driver's residence of the fact that such driver has been
3145 charged with a traffic or motor vehicle offense or a violation of
3146 the rules of the road and has so deposited his license in lieu of
3147 bail.

3148 (5) The making of an application for a duplicate driver's
3149 license during the period when the original license is posted for
3150 an appearance in a court shall be unlawful, shall constitute a
3151 misdemeanor and a person convicted thereof shall be subject to a
3152 fine of not more than Five Hundred Dollars (\$500.00) or
3153 imprisonment for not more than six (6) months, or both fine and
3154 imprisonment.

3155 (6) The provisions of this section shall not govern arrests
3156 for driving under the influence of alcohol. The procedure set
3157 forth in the Mississippi Implied Consent Law, Sections 63-11-1
3158 through 63-11-47, Mississippi Code of 1972, shall apply.

3159 **SECTION 70.** Section 23-15-7, Mississippi Code of 1972, is
3160 amended as follows:



3161 23-15-7. (1) The Secretary of State shall * * * enter into
3162 a Memorandum of Understanding * * * with the registrar of each
3163 county for the purpose of providing a Mississippi Voter
3164 Identification Card. The card shall be valid for the purpose of
3165 voter identification purposes under Section 23-15-563 and
3166 available only to registered voters of this state. No fee shall
3167 be charged or collected for the application for or issuance of a
3168 Mississippi Voter Identification Card. Any costs associated with
3169 the application for or issuance of a Mississippi Voter
3170 Identification Card shall be made payable from the state's General
3171 Fund.

3172 (2) The registrar of each county shall provide a location in
3173 the registrar's office at which he or she shall accept
3174 applications for Mississippi Voter Identification Cards in
3175 accordance with the Mississippi Constitution; however, in counties
3176 having two (2) judicial districts the registrar shall provide a
3177 location in the registrar's office in each judicial district at
3178 which he or she shall accept applications for Mississippi Voter
3179 Identification Cards in accordance with the Mississippi
3180 Constitution.

3181 (3) No person shall be eligible for a Mississippi Voter
3182 Identification Card if the person has a valid unexpired
3183 Mississippi driver's license or an identification card issued
3184 under Section 45-35-1 et seq.



3185 (4) (a) The Mississippi Voter Identification Card shall be
3186 captioned "MISSISSIPPI VOTER IDENTIFICATION CARD" and shall
3187 contain a prominent statement that under Mississippi law it is
3188 valid only as identification for voting purposes. The
3189 identification card shall include the following information
3190 regarding the applicant:

- 3191 (i) Full legal name;
- 3192 (ii) Legal residence address;
- 3193 (iii) Mailing address, if different; and
- 3194 (iv) Voting information.

3195 (b) The Mississippi Voter Identification Card shall
3196 also contain the date the voter identification card was issued,
3197 the county in which the voter is registered and such other
3198 information as required by the Secretary of State.

3199 (5) The application shall be signed and sworn to by the
3200 applicant and any falsification or fraud in the making of the
3201 application shall constitute false swearing under Section 97-7-35.

3202 (6) The registrar shall require presentation and
3203 verification of any of the following information during the
3204 application process before issuance of a Mississippi Voter
3205 Identification Card:

- 3206 (a) A photo identity document; or
- 3207 (b) Documentation showing the person's date and place
3208 of birth; or
- 3209 (c) A social security card; or



3210 (d) A Medicare card; or
3211 (e) A Medicaid card; or
3212 (f) Such other acceptable evidence of verification of
3213 residence in the county as determined by the Secretary of State.

3214 (7) A Mississippi Voter Identification Card shall remain
3215 valid for as long as the cardholder remains qualified to vote. It
3216 shall be the duty of a person who moves his or her residence
3217 within this state to surrender his or her voter identification
3218 card to the registrar of the county of his or her new residence
3219 and that person may thereafter apply for and receive a new card if
3220 such person is eligible under this section. It shall be the duty
3221 of a person who moves his or her residence outside this state or
3222 who ceases to be qualified to vote to surrender his or her card to
3223 the registrar who issued it.

3224 (8) The Secretary of State * * * shall adopt rules and
3225 regulations for the administration of this section.

3226 **SECTION 71.** Section 37-25-7, Mississippi Code of 1972, is
3227 amended as follows:

3228 37-25-7. Each school district providing driver training and
3229 education shall prescribe regulations determining who can best
3230 profit by and who shall receive instruction under this program. It
3231 is provided, however, that any student receiving instruction under
3232 this chapter shall be:

3233 (a) Fourteen (14) years of age or above;



3234 (b) A regularly enrolled student in the ninth, tenth,
3235 eleventh or twelfth grade; and

3236 (c) A full-time student in the respective secondary
3237 school.

3238 Any driver education student under fifteen (15) years of age
3239 shall secure a learner's permit issued by the * * * Secretary of
3240 State which shall be valid only while the student is under the
3241 direct supervision of a driver education instructor and is
3242 actually enrolled in an approved course of driver education which
3243 consists of thirty (30) hours of classroom and six (6) hours of
3244 dual driving instruction. The learner's permit shall expire at
3245 the end of the driver training course. The * * * Secretary of
3246 State shall charge a fee of One Dollar (\$1.00) for the issuance of
3247 a learner's permit.

3248 **SECTION 72.** Section 41-39-127, Mississippi Code of 1972, is
3249 amended as follows:

3250 41-39-127. (a) When a hospital refers an individual at or
3251 near death to a procurement organization, the organization shall
3252 make a reasonable search of the records of the Mississippi
3253 Department of Public Safety, Mississippi Secretary of State, and
3254 any donor registry that it knows exists for the geographical area
3255 in which the individual resides to ascertain whether the
3256 individual has made an anatomical gift.

3257 (b) A procurement organization must be allowed reasonable
3258 access to information in the records of the Mississippi Department



3259 of Public Safety and Secretary of State to ascertain whether an
3260 individual at or near death is a donor.

3261 (c) When a hospital refers an individual at or near death to
3262 a procurement organization, the organization may conduct any
3263 reasonable examination necessary to ensure the medical suitability
3264 of a part that is or could be the subject of an anatomical gift
3265 for transplantation, therapy, research, or education from a donor
3266 or a prospective donor. The organ procurement organizations,
3267 tissue bank, or eye bank, or hospital medical professionals under
3268 the direction thereof, may perform any and all tests to evaluate
3269 the deceased as a potential donor and any invasive procedures on
3270 the deceased body in order to preserve the potential donor's
3271 organs. During the examination period, measures necessary to
3272 ensure the medical suitability of the part may not be withdrawn
3273 unless the hospital or procurement organization knows that the
3274 individual expressed a contrary intent. The procurement
3275 organization representative shall initiate the consent process
3276 with reasonable discretion and sensitivity to the family's
3277 circumstances, values and beliefs.

3278 (d) Unless prohibited by law other than Sections 41-39-101
3279 through 41-39-149, at any time after a donor's death, the person
3280 to which a part passes under Section 41-39-121 may conduct any
3281 reasonable examination necessary to ensure the medical suitability
3282 of the body or part for its intended purpose.



3283 (e) Unless prohibited by law other than Sections 41-39-101
3284 through 41-39-149, an examination under subsection (c) or (d) may
3285 include an examination of all medical and dental records of the
3286 donor or prospective donor.

3287 (f) Upon the death of a minor who was a donor or had signed
3288 a refusal, unless a procurement organization knows the minor is
3289 emancipated, the procurement organization shall conduct a
3290 reasonable search for the parents of the minor and provide the
3291 parents with an opportunity to revoke or amend the anatomical gift
3292 or revoke the refusal.

3293 (g) Upon referral by a hospital under subsection (a), a
3294 procurement organization shall make a reasonable search for any
3295 person listed in Section 41-39-117 having priority to make an
3296 anatomical gift on behalf of a prospective donor. If a
3297 procurement organization receives information that an anatomical
3298 gift to any other person was made, amended, or revoked, it shall
3299 promptly advise the other person of all relevant information.

3300 (h) Subject to Sections 41-39-121(i) and 41-39-143, the
3301 rights of the person to which a part passes under Section
3302 41-39-121 are superior to the rights of all others with respect to
3303 the part. The person may accept or reject an anatomical gift in
3304 whole or in part. Subject to the terms of the document of gift
3305 and Sections 41-39-101 through 41-39-149, a person that accepts an
3306 anatomical gift of an entire body may allow embalming, burial or
3307 cremation, and use of remains in a funeral service. If the gift



3308 is of a part, the person to which the part passes under Section
3309 41-39-121, upon the death of the donor and before embalming,
3310 burial, or cremation, shall cause the part to be removed without
3311 unnecessary mutilation.

3312 (i) Neither the physician who attends the decedent at death
3313 nor the physician who determines the time of the decedent's death
3314 may participate in the procedures for removing or transplanting a
3315 part from the decedent.

3316 (j) A physician or technician may remove a donated part from
3317 the body of a donor that the physician or technician is qualified
3318 to remove.

3319 **SECTION 73.** Section 93-11-153, Mississippi Code of 1972, is
3320 amended as follows:

3321 93-11-153. As used in Sections 93-11-151 through 93-11-163,
3322 the following words and terms shall have the meanings ascribed
3323 herein:

3324 (a) "Licensing entity" or "entity" means any entity
3325 specified in Title 73, Professions and Vocations, of the
3326 Mississippi Code, and includes the Mississippi * * * Secretary of
3327 State with respect to driver's licenses, the Mississippi * * *
3328 Department of Revenue with respect to licenses for the sale of
3329 alcoholic beverages and other licenses or registration authorizing
3330 a person to engage in a business, the Mississippi Department of
3331 Wildlife, Fisheries and Parks with respect to hunting and fishing
3332 licenses, and any other state agency that issues a license



3333 authorizing a person to engage in a business, occupation or
3334 profession. For the purposes of this article, the Supreme Court
3335 shall be considered to be the licensing entity for attorneys.

3336 (b) "License" means a license, certificate, permit,
3337 credential, registration, or any other authorization issued by a
3338 licensing entity that allows a person to engage in a business,
3339 occupation or profession, to operate a motor vehicle, to sell
3340 alcoholic beverages, or to hunt and fish.

3341 (c) "Licensee" means any person holding a license
3342 issued by a licensing entity.

3343 (d) "Order for support" means any judgment or order
3344 that provides for payments of a sum certain for the support of a
3345 child, whether it is temporary or final, and includes, but is not
3346 limited to, an order for reimbursement for public assistance or an
3347 order for making periodic payments on a support arrearage, or a
3348 sum certain due for a support arrearage.

3349 (e) "Out of compliance with an order for support" means
3350 that the obligor is at least thirty (30) days in arrears or
3351 delinquent in making payments in full for current support, or in
3352 making periodic payments on a support arrearage.

3353 (f) "Department" means the Mississippi Department of
3354 Human Services.

3355 (g) "Division" means the division within the department
3356 that is charged with the state administration of Title IV-D of the
3357 Social Security Act.



3358 (h) "Delinquency" means any payments of a sum certain
3359 ordered by any court to be paid by a noncustodial parent for the
3360 support of a child that have remained unpaid for at least thirty
3361 (30) days after payment is due. Delinquency shall also include
3362 payments of a sum certain ordered by any court to be paid for
3363 maintenance of a spouse that have remained unpaid for at least
3364 thirty (30) days.

3365 **SECTION 74.** Section 63-15-4, Mississippi Code of 1972, is
3366 amended as follows:

3367 63-15-4. (1) The following vehicles are exempted from the
3368 requirements of this section:

3369 (a) Motor vehicles exempted by Section 63-15-5;

3370 (b) Motor vehicles for which a bond or a certificate of
3371 deposit of money or securities in at least the minimum amounts
3372 required for proof of financial responsibility is on file with the
3373 department;

3374 (c) Motor vehicles that are self-insured under Section
3375 63-15-53; and

3376 (d) Implements of husbandry.

3377 (2) (a) Every motor vehicle operated in this state shall
3378 have a motor vehicle liability insurance policy that covers the
3379 vehicle and is in compliance with the liability limits required by
3380 Section 63-15-3(j). The insured parties shall be responsible for
3381 maintaining the insurance on each motor vehicle.



3382 (b) An insurance company issuing a policy of motor
3383 vehicle liability insurance as required by this section shall
3384 furnish to the insured an insurance card for each motor vehicle at
3385 the time the insurance policy becomes effective. The insurance
3386 card may be furnished in either paper or electronic format as
3387 chosen by the insured. Acceptable electronic formats include
3388 display of electronic images on a cellular phone or any other type
3389 of electronic device. Beginning on July 1, 2013, insurers shall
3390 furnish commercial auto coverage customers with an insurance card
3391 clearly marked with the identifier, "Commercial Auto Insurance" or
3392 "Fleet" or similar language, to reflect that the vehicle is
3393 insured under a commercial auto policy.

3394 (3) Upon stopping a motor vehicle at a roadblock where all
3395 passing motorists are checked as a method to enforce traffic laws
3396 or upon stopping a motor vehicle for any other statutory
3397 violation, a law enforcement officer, who is authorized to issue
3398 traffic citations, shall verify that the insurance card required
3399 by this section is in the motor vehicle or is displayed by
3400 electronic image on a cellular phone or other type of electronic
3401 device. However, no driver shall be stopped or detained solely
3402 for the purpose of verifying that the motor vehicle is covered by
3403 liability insurance in the amounts required under Section
3404 63-15-3(j) unless the stop is part of such roadblock. If the law
3405 enforcement officer uses the verification system created in
3406 Section 63-16-3 and receives a response from the system verifying



3407 that the owner of the motor vehicle has liability insurance in the
3408 amounts required under Section 63-15-3(j), then the officer shall
3409 not issue a citation under this section notwithstanding any
3410 failure to display an insurance card by the owner or operator.

3411 (4) Failure of the owner or the operator of a motor vehicle
3412 to have the insurance card in the motor vehicle, or to display the
3413 insurance card by electronic image on a cellular phone or other
3414 type of electronic device, is a misdemeanor and, upon conviction,
3415 is punishable by a fine of One Hundred Dollars (\$100.00) and
3416 suspension of driving privilege for a period of one (1) year or
3417 until the owner of the motor vehicle shows proof of liability
3418 insurance that is in compliance with the liability limits required
3419 by Section 63-15-3(j) and has paid the fines and assessments
3420 imposed and the driver's license reinstatement fees imposed by
3421 the * * * Secretary of State. A judge shall determine whether the
3422 defendant is indigent, and if a determination of indigence is
3423 made, shall authorize the reinstatement of that person's driver's
3424 license upon proof of mandatory liability insurance subject to
3425 compliance with a payment plan for any fines, assessments and/or
3426 fees. Fraudulent use of an insurance card shall be punishable in
3427 accordance with Section 97-7-10. If such fines are levied in a
3428 municipal court, the funds from such fines shall be deposited in
3429 the general fund of the municipality. If such fines are levied in
3430 any of the courts of the county, the funds from such fines shall
3431 be deposited in the general fund of the county. A person



3432 convicted of a criminal offense under this subsection (4) shall
3433 not be convicted of a criminal offense under Section 63-16-13(1)
3434 arising from the same incident.

3435 (5) If, at the hearing date or the date of payment of the
3436 fine the owner shows proof that such insurance was in effect at
3437 the time of citation, the case shall be dismissed as to the
3438 defendant with prejudice and all court costs shall be waived
3439 against the defendant.

3440 (6) No law enforcement officer may access any function,
3441 feature or other electronic image on a person's cellular phone or
3442 other type of electronic device when enforcing the provisions of
3443 this section except for the electronic image of an insurance card
3444 shown to the officer.

3445 **SECTION 75.** Section 47-5-157, Mississippi Code of 1972, is
3446 amended as follows:

3447 47-5-157. When an offender is entitled to a discharge from
3448 the custody of the department, or is released therefrom on parole,
3449 pardon, or otherwise, the commissioner or his designee shall
3450 prepare and deliver to him a written discharge or release, as the
3451 case may be, dated and signed by him with seal annexed, giving the
3452 offender's name, the name of the offense or offenses for which he
3453 was convicted, the term of sentence imposed and the date thereof,
3454 the county in which he was sentenced, the amount of commutation
3455 received, if any, the trade he has learned, if any, his
3456 proficiency in same, and such description of the offender as may



3457 be practicable and the discharge plan developed as required by
3458 law. At least fifteen (15) days prior to the release of an
3459 offender as described herein, the director of records of the
3460 department shall give the written notice which is required
3461 pursuant to Section 47-5-177. The offender shall be furnished, if
3462 needed, suitable civilian clothes, a Mississippi driver's license,
3463 or a state identification card that is * * * issued by the
3464 Secretary of State and all money held to his credit by any
3465 official of the correctional system shall be delivered to him.

3466 The amount of money which an offender is entitled to receive
3467 from the State of Mississippi when he is discharged from the state
3468 correctional system shall be determined as follows:

3469 (a) If he has continuously served his sentence in one
3470 (1) year or less flat time, he shall be given Fifteen Dollars
3471 (\$15.00).

3472 (b) If he has served his sentence in more than one (1)
3473 year flat time and in less than ten (10) years flat time, he shall
3474 be given Twenty-five Dollars (\$25.00).

3475 (c) If he has continuously served his sentence in ten
3476 (10) or more years flat time, he shall be given Seventy-five
3477 Dollars (\$75.00).

3478 (d) If he has continuously served his sentence in
3479 twenty (20) or more years flat time, he shall be given One Hundred
3480 Dollars (\$100.00).



3481 There shall be given in addition to the above specified
 3482 monies in subsections (a), (b), (c) and (d), a bus ticket to the
 3483 county of conviction or to a state line of Mississippi.

3484 **SECTION 76.** Section 45-1-12, Mississippi Code of 1972, is
 3485 amended as follows:

3486 45-1-12. (1) The salaries of all officers of the
 3487 Mississippi Highway Safety Patrol who have completed the course of
 3488 instruction in an authorized highway patrol training school on
 3489 general law enforcement, and are serving as a sworn officer of the
 3490 Highway Patrol in the enforcement of the laws of the State of
 3491 Mississippi, * * * and the sworn officers of the Mississippi
 3492 Bureau of Narcotics, shall be determined and paid in accordance
 3493 with the scale for officers salaries as provided in this
 3494 subsection:

3495 **Department of Public Safety Sworn Officers Salary Schedule -**
 3496 **2015-2016 Fiscal Year and Thereafter**

3497 Rank	3497 Years of Experience			
	Less than 4	Over 4	Over 8	Over 12
3498 Trooper	38,000			
3500 Trooper FC		41,000		
3501 Corporal			44,000	
3502 Sergeant				47,000
3503 Rank	3503 Years of Experience			
	Over 16	Over 20	Over 24	Over 29
3505 Staff Sgt.	50,000			



3506	Sr. Staff Sgt.					53,000	
3507	Sgt. 1st Class					56,000	59,000
3508	Rank	Years of Experience					
3509		Over 5	Over 10	Over 15	Over 20	Over 25	Over 29
3510	Master Sgt.	53,000	56,000	59,000	62,000	65,000	68,000
3511	Lieutenant	62,000	65,000	68,000	71,000	74,000	77,000
3512	Captain		74,000	77,000	80,000	83,000	86,000
3513	Major			86,000	89,000	92,000	95,000
3514	Lt. Colonel			95,000	98,000	101,000	104,000
3515	Colonel			112,000	112,000	112,000	112,000

Department of Public Safety/MS Bureau of Narcotics

Sworn Officers Salary Schedule

2015-2016 Fiscal Year and Thereafter

3519	Rank	Years of Experience					
3520		Less than 4	Over 4		Over 8		Over 12
3521	LE-Agent I	38,000					
3522	LE-Agent II		41,000				
3523	LE-Agent III				44,000		
3524	LE-Agent IV						47,000
3525	Rank	Years of Experience					
3526		Over 16		Over 20		Over 24	Over 29
3527	LE-Agent V	50,000					
3528	LE-Agent VI			53,000			
3529	Rank	Years of Experience					
3530		Over 7	Over 12	Over 17	Over 22	Over 27	Over 32



3531	Lieutenant	62,000	65,000	68,000	71,000	74,000	77,000
3532	Captain	74,000	77,000	80,000	83,000	86,000	
3533	Major	86,000	89,000	92,000	95,000		
3534	Lt. Colonel		95,000	98,000	101,000	104,000	
3535	Colonel			112,000	112,000	112,000	112,000

3536 (2) All sworn officers in the Mississippi Highway Patrol and
3537 the Mississippi Bureau of Narcotics employed on a full-time basis
3538 shall be paid a salary in accordance with the above scale. The
3539 rank and years of experience of each sworn officer to be used in
3540 establishing the salary shall be determined by the rank and years
3541 of experience on July 1 of the current fiscal year.

3542 (3) For purposes of applying the rank designation to the
3543 above scale, the following job classifications of the State
3544 Personnel Board shall be applicable for the Mississippi Highway
3545 Patrol:

3546	Rank	Job Classes
3547	(a) Trooper	DPS-Highway Patrol Officer I
3548		LE-Investigator II
3549	(b) Trooper First Class	DPS-Highway Patrol Officer II
3550		LE-Investigator III
3551	(c) Corporal	DPS-Highway Patrol Officer III
3552		LE-Investigator IV
3553	(d) Sergeant	DPS-Highway Patrol Officer IV
3554		LE-Investigator V
3555	(e) Staff Sergeant	DPS-Highway Patrol Officer V



3556	(f)	Senior Staff Sergeant	DPS-Highway Patrol Officer VI
3557			Tech Spec
3558	(g)	Master Sgt/Sgt. F/C	DPS-Assistant Inspector
3559			DPS-Highway Patrol Officer VII
3560			DPS-Investigator I
3561			DPS-Supv. Driver Serv.
3562	(h)	Lieutenant	DPS-Air Operations Officer
3563			DPS-Dir. Corr. Intelligence
3564			DPS-Dist. Executive Officer
3565			DPS-Regional Supv. Driver. Serv.
3566			DPS-Branch Director
3567			LE-Dir/Training
3568			LE-Dist. Investigator
3569	(i)	Captain	DPS-Staff Officer (MHP)
3570	(j)	Major	DPS-Bureau Director II
3571	(k)	Lt. Colonel	DPS-Deputy Administrator;
3572			DPS-Chief of Staff
3573	(l)	Colonel/Chief of Patrol	Dir-Office of MS Hwy Safety Patrol
3574		(4)	For purposes of applying the rank designation to the
3575			above scale, the following job classifications of the State
3576			Personnel Board shall be applicable for the Mississippi Bureau of
3577			Narcotics:
3578		Rank	Job Classes
3579	(a)	Agents	LE-Agent I
3580			LE-Agent II



3581 LE-Agent III
3582 LE-Agent IV
3583 LE-Agent V
3584 LE-Agent VI
3585 (b) Lieutenant BN-District Investigator (LT)
3586 (c) Captain BN-District Commander
3587 (d) Major BN-Bureau Director II
3588 Office Director I
3589 (e) Lt. Colonel BN-Deputy Administrator
3590 (f) Colonel Director, Bureau of Narcotics

3591 (5) In any fiscal year after July 1, 2015, in the event the
3592 Legislature provides across-the-board salary increases to state
3593 employees whose compensation is paid from the State General Fund
3594 and subject to specific appropriation therefor by the Legislature,
3595 the State Personnel Board shall revise the salary scale above to
3596 provide the same percentage or dollar amount increase as has been
3597 appropriated for other state employees.

3598 (6) It shall be the duty of the Mississippi Department of
3599 Public Safety to file with the Legislative Budget Office and the
3600 State Fiscal Officer such data and information as may be required
3601 to enable the said Legislative Budget Office and State Fiscal
3602 Officer to budget and distribute the funds necessary to compensate
3603 the sworn officers of the Department of Public Safety according to
3604 the requirements of the salary scale. Such data and information
3605 so filed may be revised from time to time as necessitated to



3606 reflect the current number and experience of sworn officers
3607 employed by the department.

3608 **SECTION 77.** Section 63-10-5, Mississippi Code of 1972, is
3609 amended as follows:

3610 63-10-5. (1) Upon receipt of a state highway patrol
3611 officer's report as described in Section 63-10-3 the commissioner
3612 of public safety or his duly authorized agent shall transmit a
3613 certified copy of such report to the official in charge of the
3614 issuance of licenses in the reciprocating state in which the
3615 nonresident resides or by which he is licensed.

3616 (2) Upon receipt from the licensing authority of this state
3617 or a reciprocating state in which a citation was issued of a
3618 certification of noncompliance with a citation issued in this
3619 state or a reciprocating state by a person holding a valid license
3620 issued by this state, the commissioner of public safety or his
3621 duly authorized agent shall immediately suspend such person's
3622 drivers license. The order of suspension shall indicate the
3623 reason therefor and notify the motorist that his license shall
3624 remain suspended until he has furnished satisfactory evidence
3625 indicating that he has fully complied with the terms of the court
3626 having jurisdiction in the matter. However, the department of
3627 public safety, or any employee thereof, shall not collect nor act
3628 as a collecting agency for any court-imposed fine in relation to
3629 an outstanding, undisposed of traffic case.



3630 (3) A copy of any suspension order issued hereunder shall be
3631 furnished to the licensing authority of the reciprocating state in
3632 which the citation was issued.

3633 (4) It shall be the duty of the * * * Department of Public
3634 Safety * * * to ascertain and remain informed as to which states
3635 are "reciprocating states" hereunder and, accordingly, to maintain
3636 a current listing of such states. The listings shall periodically
3637 be disseminated among the appropriate official positions of any
3638 state agency, county or municipality of this state and the
3639 licensing authorities in all other reciprocating states pursuant
3640 hereto.

3641 **SECTION 78.** Section 63-11-5, Mississippi Code of 1972, is
3642 amended as follows:

3643 * * *

3644 63-11-5. (1) (a) Any person who operates a motor vehicle
3645 upon the public highways, public roads and streets of this state
3646 shall be deemed to have given his consent, subject to the
3647 provisions of this chapter, to a chemical test or tests of his
3648 breath, blood or urine for the purpose of determining alcohol
3649 concentration. A person shall give his consent to a chemical test
3650 or tests of his breath, blood or urine for the purpose of
3651 determining the presence in his body of any other substance which
3652 would impair a person's ability to operate a motor vehicle.

3653 (b) The test or tests shall be administered at the
3654 direction of any authorized officer, when such officer has



3655 reasonable grounds and probable cause to believe that the person
3656 was driving or had under his actual physical control a motor
3657 vehicle upon the public streets or highways of this state while
3658 under the influence of intoxicating liquor or any other substance
3659 which had impaired such person's ability to operate a motor
3660 vehicle.

3661 (2) (a) A breath analysis test must be administered by a
3662 person who has met all the educational and training requirements
3663 of the appropriate course of study prescribed by the Board on Law
3664 Enforcement * * * Officer Standards and Training; however,
3665 sheriffs and elected chiefs of police are exempt from the
3666 educational and training requirement. A breath analysis test must
3667 not be given to any person within fifteen (15) minutes of
3668 consumption of any substance by mouth.

3669 (b) For purposes of this section, the term "authorized
3670 officer" means any highway patrol officer, sheriff or his duly
3671 commissioned deputies, police officer in any incorporated
3672 municipality, national park ranger, officer of a state-supported
3673 institution of higher learning campus police force if such officer
3674 is exercising this authority in regard to a violation that
3675 occurred on campus property, or security officer appointed and
3676 commissioned pursuant to the Pearl River Valley Water Supply
3677 District Security Officer Law of 1978 if such officer is
3678 exercising this authority in regard to a violation that occurred
3679 within the limits of the Pearl River Valley Water Supply District.



3680 (3) If the officer has reasonable grounds and probable cause
3681 to believe such person to have been driving a motor vehicle upon
3682 the public highways, public roads, and streets of this state while
3683 under the influence of intoxicating liquor or any other substance
3684 that has impaired the person's ability to operate a motor vehicle,
3685 the officer shall inform the person that his failure to submit to
3686 such chemical test or tests of his breath, blood or urine shall
3687 result in the suspension of his privilege to operate a motor
3688 vehicle upon the public streets and highways of this state for a
3689 period of ninety (90) days if the person has not previously been
3690 convicted of a violation of Section 63-11-30, or * * * for a
3691 period of one (1) year if the person has a prior conviction under
3692 Section 63-11-30.

3693 (4) The traffic ticket, citation or affidavit issued to a
3694 person arrested for a violation of this chapter shall conform to
3695 the requirements of Section 63-9-21(3)(b) * * * and, if filed
3696 electronically, shall conform to Section 63-9-21(8).

3697 (5) Any person arrested under the provisions of this chapter
3698 shall be informed that he has the right to telephone for the
3699 purpose of requesting legal or medical assistance immediately
3700 after being booked for a violation under this chapter.

3701 (6) The Commissioner of Public Safety and the Mississippi
3702 Forensics Laboratory created pursuant to Section 45-1-17 are
3703 authorized to adopt procedures, rules and regulations applicable
3704 to the Implied Consent Law.



3705 **SECTION 79.** Section 63-11-19, Mississippi Code of 1972, is
3706 amended as follows:

3707 63-11-19. A chemical analysis of the person's breath, blood
3708 or urine, to be considered valid under the provisions of this
3709 section, shall have been performed according to methods approved
3710 by the Mississippi Forensics Laboratory created pursuant to
3711 Section 45-1-17 and the Commissioner of Public Safety and the
3712 Secretary of State and performed by an individual possessing a
3713 valid permit issued by the Mississippi Forensics Laboratory for
3714 making such analysis. The Mississippi Forensics Laboratory and
3715 the Commissioner of Public Safety are authorized to approve
3716 satisfactory techniques or methods, to ascertain the
3717 qualifications and competence of individuals to conduct such
3718 analyses, and to issue permits which shall be subject to
3719 termination or revocation at the discretion of the Mississippi
3720 Forensics Laboratory. The Mississippi Forensics Laboratory shall
3721 not approve the permit required herein for any law enforcement
3722 officer other than a member of the State Highway Patrol, a sheriff
3723 or his deputies, a city policeman, an officer of a state-supported
3724 institution of higher learning campus police force, a security
3725 officer appointed and commissioned pursuant to the Pearl River
3726 Valley Water Supply District Security Officer Law of 1978, a
3727 national park ranger, a national park ranger technician, a
3728 military policeman stationed at a United States military base
3729 located within this state other than a military policeman of the



3730 Army or Air National Guard or of Reserve Units of the Army, Air
3731 Force, Navy or Marine Corps, a marine law enforcement officer
3732 employed by the Department of Marine Resources, or a conservation
3733 officer employed by the Mississippi Department of Wildlife,
3734 Fisheries and Parks. The permit given a marine law enforcement
3735 officer shall authorize such officer to administer tests only for
3736 violations of Sections 59-23-1 through 59-23-7. The permit given
3737 a conservation officer shall authorize such officer to administer
3738 tests only for violations of Sections 59-23-1 through 59-23-7 and
3739 for hunting related incidents resulting in injury or death to any
3740 person by discharge of a weapon as provided under Section 49-4-31.

3741 The Mississippi Forensics Laboratory shall make periodic, but
3742 not less frequently than quarterly, tests of the methods, machines
3743 or devices used in making chemical analysis of a person's breath
3744 as shall be necessary to ensure the accuracy thereof, and shall
3745 issue its certificate to verify the accuracy of the same.

3746 **SECTION 80.** Section 63-11-21, Mississippi Code of 1972, is
3747 amended as follows:

3748 63-11-21. If a person refuses upon the request of a law
3749 enforcement officer to submit to a chemical test of his breath
3750 designated by the law enforcement agency as provided in Section
3751 63-11-5, none shall be given, but the officer shall at that point
3752 demand the driver's license of the person, who shall deliver his
3753 driver's license into the hands of the officer. If a person
3754 refuses to submit to a chemical test under the provisions of this



3755 chapter, the person shall be informed by the law enforcement
3756 officer that the refusal to submit to the test shall subject him
3757 to suspension of the privilege to operate a motor vehicle. The
3758 officer shall give the driver a receipt for his license on forms
3759 prescribed and furnished by the Commissioner of Public Safety.
3760 The officer shall forward the driver's license together with a
3761 sworn report to the Commissioner of Public Safety stating that he
3762 had reasonable grounds and probable cause to believe the person
3763 had been operating a motor vehicle upon the public highways,
3764 public roads and streets of this state while under the influence
3765 of intoxicating liquor or any other substance which may impair a
3766 person's mental or physical ability, stating the grounds, and that
3767 the person had refused to submit to the chemical test of his
3768 breath upon request of the law enforcement officer.

3769 **SECTION 81.** Section 63-11-23, Mississippi Code of 1972, is
3770 amended as follows:

3771 * * *

3772 63-11-23. (1) **Administrative license suspension for test**
3773 **refusal.** The Commissioner of Public Safety, or his authorized
3774 agent, shall review the sworn report by a law enforcement officer
3775 as provided in Section 63-11-21.

3776 (a) If upon review the Commissioner of Public Safety,
3777 or his authorized agent, finds (i) that the law enforcement
3778 officer had reasonable grounds and probable cause to believe the
3779 person had been operating a motor vehicle upon the public



3780 highways, public roads and streets of this state while under the
3781 influence of intoxicating liquor or any other substance that may
3782 impair a person's mental or physical ability; (ii) that the person
3783 refused to submit to the chemical test of the person's breath,
3784 blood or urine upon request of the officer; and (iii) that the
3785 person was informed that his license and driving privileges would
3786 be suspended or denied if he refused to submit to the chemical
3787 test of his breath, blood or urine, then the Commissioner of
3788 Public Safety, or his authorized agent, shall give notice to the
3789 licensee that his license or permit to drive, or any nonresident
3790 operating privilege, shall be suspended thirty (30) days after the
3791 date of the notice for a period of ninety (90) days if the person
3792 has not previously been convicted of or nonadjudicated for a
3793 violation of Section 63-11-30, or, for a period of one (1) year if
3794 the person was previously convicted or nonadjudicated under
3795 Section 63-11-30. If the commissioner or his authorized agent
3796 determines that the license or permit should not be suspended, he
3797 shall return the license or permit to the licensee.

3798 (b) The notice of suspension shall be in writing and
3799 conform to Section 63-1-52.

3800 (c) A person may continue to drive on either an
3801 interlock-restricted license or under a drug-testing program if so
3802 ordered by a court in the course of a criminal proceeding for a
3803 violation of Section 63-11-30.



3804 (2) **Extension or suspension of privilege to drive; request**
3805 **for trial.** (a) If the chemical testing of a person's breath
3806 indicates the blood alcohol concentration was eight one-hundredths
3807 percent (.08%) or more for persons who are above the legal age to
3808 purchase alcoholic beverages under state law, or two
3809 one-hundredths percent (.02%) or more for persons who are below
3810 the legal age to purchase alcoholic beverages under state law,
3811 based upon grams of alcohol per one hundred (100) milliliters of
3812 blood or grams of alcohol per two hundred ten (210) liters of
3813 breath as shown by a chemical analysis of the person's blood,
3814 breath, or urine, the arresting officer shall seize the license
3815 and give the driver a receipt for his license on forms prescribed
3816 by the Commissioner of Public Safety and shall promptly forward
3817 the license together with a sworn report to the * * * Secretary of
3818 State. The receipt given a person shall be valid as a permit to
3819 operate a motor vehicle for thirty (30) days in order that the
3820 defendant may be processed through the court having original
3821 jurisdiction and a final disposition had.

3822 (b) If the defendant requests a trial within thirty
3823 (30) days and trial is not commenced within thirty (30) days, then
3824 the court shall determine if the delay in the trial is the fault
3825 of the defendant or his counsel. If the court finds that it is
3826 not the fault of the defendant or his counsel, then the court
3827 shall order the defendant's privileges to operate a motor vehicle



3828 to be extended until the defendant is convicted upon final order
3829 of the court.

3830 (c) If a receipt or permit to drive issued under this
3831 subsection expires without a trial having been requested as
3832 provided in this subsection, then the Commissioner of Public
3833 Safety, or his authorized agent, shall suspend the license or
3834 permit to drive or any nonresident operating privilege for the
3835 applicable period of time as provided in subsection (1) of this
3836 section.

3837 (3) **Offenders driving without a license.** If the person is a
3838 resident without a license or permit to operate a motor vehicle in
3839 this state, the * * * Secretary of State, or his authorized agent,
3840 shall deny to the person the issuance of a license or permit for a
3841 period of one (1) year beginning thirty (30) days after the date
3842 of notice of the suspension.

3843 (4) **Appeal.** It shall be the duty of the municipal
3844 prosecuting attorney, county prosecuting attorney, an attorney
3845 employed under the provisions of Section 19-3-49, or if there is
3846 not a prosecuting attorney for the municipality or county, the
3847 duty of the district attorney to represent the state in any
3848 hearing on a de novo appeal held under the provisions of Section
3849 63-11-25, Section 63-11-37 or Section 63-11-30.

3850 (5) **Suspension subsequent to conviction.** Unless the person
3851 obtains an interlock-restricted license or the court orders the
3852 person to exercise the privilege to operate a motor vehicle only



3853 under an interlock-restricted license or while participating in a
3854 court-ordered drug-testing program, thirty (30) days after receipt
3855 of the court abstract documenting a person's conviction under
3856 Section 63-11-30, the Department of Public Safety shall suspend
3857 the driver's license and privileges of the person to operate a
3858 motor vehicle as follows:

3859 (a) When sentenced under Section 63-11-30(2):

3860 (i) For a first offense: one hundred twenty (120)
3861 days;

3862 (ii) For a second offense: one (1) year;

3863 (iii) For a third offense: for the full period of
3864 the person's sentence; upon release from incarceration, the person
3865 will be eligible for only an interlock-restricted license for
3866 three (3) years;

3867 (iv) For a fourth or subsequent offense: for the
3868 full period of the person's sentence; upon release from
3869 incarceration, the person will be eligible for only an
3870 interlock-restricted license for ten (10) years and will further
3871 be subject to court-ordered drug testing if the original offense
3872 involved operating a motor vehicle under the influence of a drug
3873 other than alcohol.

3874 (b) When sentenced under Section 63-11-30(3) (Zero
3875 Tolerance for Minors):

3876 (i) For a first offense: one hundred twenty (120)
3877 days;



3878 (ii) For a second offense: one (1) year;
3879 (iii) For a third offense occurring within five
3880 (5) years, suspend or deny the driving privilege for two (2) years
3881 or until the person reaches the age of twenty-one (21), whichever
3882 is longer.

3883 (6) **Suspensions.** (a) Notices of suspension given under
3884 this section shall be in writing and conform to Section 63-1-52.

3885 (b) Suspensions under this and any other chapter shall
3886 run consecutively and not concurrently.

3887 (7) **License reinstatement.** A person is eligible for an
3888 unrestricted license when the person has completed an alcohol
3889 safety education program as provided in Section 63-11-32, has
3890 satisfied all other conditions of law and of the person's sentence
3891 or nonadjudication, and is not otherwise barred from obtaining an
3892 unrestricted license.

3893 **SECTION 82.** Section 63-11-30, Mississippi Code of 1972, is
3894 amended as follows:

3895 63-11-30. (1) It is unlawful for a person to drive or
3896 otherwise operate a vehicle within this state if the person:

3897 (a) Is under the influence of intoxicating liquor;

3898 (b) Is under the influence of any other substance that
3899 has impaired the person's ability to operate a motor vehicle;

3900 (c) Is under the influence of any drug or controlled
3901 substance, the possession of which is unlawful under the
3902 Mississippi Controlled Substances Law; or



3903 (d) Has an alcohol concentration in the person's blood,
3904 based upon grams of alcohol per one hundred (100) milliliters of
3905 blood, or grams of alcohol per two hundred ten (210) liters of
3906 breath, as shown by a chemical analysis of the person's breath,
3907 blood or urine administered as authorized by this chapter, of:

3908 (i) Eight one-hundredths percent (.08%) or more
3909 for a person who is above the legal age to purchase alcoholic
3910 beverages under state law;

3911 (ii) Two one-hundredths percent (.02%) or more for
3912 a person who is below the legal age to purchase alcoholic
3913 beverages under state law; or

3914 (iii) Four one-hundredths percent (.04%) or more
3915 for a person operating a commercial motor vehicle.

3916 (2) Except as otherwise provided in subsection (3) of this
3917 section (Zero Tolerance for Minors):

3918 (a) **First offense DUI.** (i) Upon conviction of any
3919 person for the first offense of violating subsection (1) of this
3920 section where chemical tests under Section 63-11-5 were given, or
3921 where chemical test results are not available, the person shall be
3922 fined not less than Two Hundred Fifty Dollars (\$250.00) nor more
3923 than One Thousand Dollars (\$1,000.00), or imprisoned for not more
3924 than forty-eight (48) hours in jail, or both; the court shall
3925 order the person to attend and complete an alcohol safety
3926 education program as provided in Section 63-11-32 within six (6)



3927 months of sentencing. The court may substitute attendance at a
3928 victim impact panel instead of forty-eight (48) hours in jail.

3929 (ii) Suspension of commercial driving privileges
3930 is governed by Section 63-1-216.

3931 (iii) A qualifying first offense may be
3932 nonadjudicated by the court under subsection (14) of this section.
3933 The holder of a commercial driver's license or a commercial
3934 learning permit at the time of the offense is ineligible for
3935 nonadjudication.

3936 (iv) Eligibility for an interlock-restricted
3937 license is governed by Section 63-11-31 and suspension of regular
3938 driving privileges is governed by Section 63-11-23.

3939 (b) **Second offense DUI.** (i) Upon any second
3940 conviction of any person violating subsection (1) of this section,
3941 the offenses being committed within a period of five (5) years,
3942 the person shall be guilty of a misdemeanor, fined not less than
3943 Six Hundred Dollars (\$600.00) nor more than One Thousand Five
3944 Hundred Dollars (\$1,500.00), shall be imprisoned not less than
3945 five (5) days nor more than six (6) months and sentenced to
3946 community service work for not less than ten (10) days nor more
3947 than six (6) months. The minimum penalties shall not be suspended
3948 or reduced by the court and no prosecutor shall offer any
3949 suspension or sentence reduction as part of a plea bargain.

3950 (ii) Suspension of commercial driving privileges
3951 is governed by Section 63-1-216.



3952 (iii) Eligibility for an interlock-restricted
3953 license is governed by Section 63-11-31 and suspension of regular
3954 driving privileges is governed by Section 63-11-23.

3955 (c) **Third offense DUI.** (i) For a third conviction of
3956 a person for violating subsection (1) of this section, the
3957 offenses being committed within a period of five (5) years, the
3958 person shall be guilty of a felony and fined not less than Two
3959 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars
3960 (\$5,000.00), and shall serve not less than one (1) year nor more
3961 than five (5) years in the custody of the Department of
3962 Corrections. For any offense that does not result in serious
3963 injury or death to any person, the sentence of incarceration may
3964 be served in the county jail rather than in the State Penitentiary
3965 at the discretion of the circuit court judge. The minimum
3966 penalties shall not be suspended or reduced by the court and no
3967 prosecutor shall offer any suspension or sentence reduction as
3968 part of a plea bargain.

3969 (ii) The suspension of commercial driving
3970 privileges is governed by Section 63-1-216.

3971 (iii) The suspension of regular driving privileges
3972 is governed by Section 63-11-23.

3973 (d) **Fourth and subsequent offense DUI.** (i) For any
3974 fourth or subsequent conviction of a violation of subsection (1)
3975 of this section, without regard to the time period within which
3976 the violations occurred, the person shall be guilty of a felony



3977 and fined not less than Three Thousand Dollars (\$3,000.00) nor
3978 more than Ten Thousand Dollars (\$10,000.00), and shall serve not
3979 less than two (2) years nor more than ten (10) years in the
3980 custody of the Department of Corrections.

3981 (ii) The suspension of commercial driving
3982 privileges is governed by Section 63-1-216.

3983 (iii) A person convicted of a fourth or subsequent
3984 offense is ineligible to exercise the privilege to operate a motor
3985 vehicle that is not equipped with an ignition-interlock device for
3986 ten (10) years.

3987 (e) Any person convicted of a second or subsequent
3988 violation of subsection (1) of this section shall receive an
3989 in-depth diagnostic assessment, and if as a result of the
3990 assessment is determined to be in need of treatment for alcohol or
3991 drug abuse, the person must successfully complete treatment at a
3992 program site certified by the Department of Mental Health. Each
3993 person who receives a diagnostic assessment shall pay a fee
3994 representing the cost of the assessment. Each person who
3995 participates in a treatment program shall pay a fee representing
3996 the cost of treatment.

3997 (f) The use of ignition-interlock devices is governed
3998 by Section 63-11-31.

3999 (3) **Zero Tolerance for Minors.** (a) This subsection shall
4000 be known and may be cited as Zero Tolerance for Minors. The
4001 provisions of this subsection shall apply only when a person under



4002 the age of twenty-one (21) years has a blood alcohol concentration
4003 of two one-hundredths percent (.02%) or more, but lower than eight
4004 one-hundredths percent (.08%). If the person's blood alcohol
4005 concentration is eight one-hundredths percent (.08%) or more, the
4006 provisions of subsection (2) shall apply.

4007 (b) (i) A person under the age of twenty-one (21) is
4008 eligible for nonadjudication of a qualifying first offense by the
4009 court pursuant to subsection (14) of this section.

4010 (ii) Upon conviction of any person under the age
4011 of twenty-one (21) years for the first offense of violating
4012 subsection (1) of this section where chemical tests provided for
4013 under Section 63-11-5 were given, or where chemical test results
4014 are not available, the person shall be fined Two Hundred Fifty
4015 Dollars (\$250.00); the court shall order the person to attend and
4016 complete an alcohol safety education program as provided in
4017 Section 63-11-32 within six (6) months. The court may also
4018 require attendance at a victim impact panel.

4019 (c) A person under the age of twenty-one (21) years who
4020 is convicted of a second violation of subsection (1) of this
4021 section, the offenses being committed within a period of five (5)
4022 years, shall be fined not more than Five Hundred Dollars
4023 (\$500.00).

4024 (d) A person under the age of twenty-one (21) years who
4025 is convicted of a third or subsequent violation of subsection (1)
4026 of this section, the offenses being committed within a period of



4027 five (5) years, shall be fined not more than One Thousand Dollars
4028 (\$1,000.00).

4029 (e) License suspension is governed by Section 63-11-23
4030 and ignition interlock is governed by Section 63-11-31.

4031 (f) Any person under the age of twenty-one (21) years
4032 convicted of a third or subsequent violation of subsection (1) of
4033 this section must complete treatment of an alcohol or drug abuse
4034 program at a site certified by the Department of Mental Health.

4035 (4) **DUI test refusal.** In addition to the other penalties
4036 provided in this section, every person refusing a law enforcement
4037 officer's request to submit to a chemical test of the person's
4038 breath as provided in this chapter, or who was unconscious at the
4039 time of a chemical test and refused to consent to the introduction
4040 of the results of the test in any prosecution, shall suffer an
4041 additional administrative suspension of driving privileges as set
4042 forth in Section 63-11-23.

4043 (5) **Aggravated DUI.** (a) Every person who operates any
4044 motor vehicle in violation of the provisions of subsection (1) of
4045 this section and who in a negligent manner causes the death of
4046 another or mutilates, disfigures, permanently disables or destroys
4047 the tongue, eye, lip, nose or any other limb, organ or member of
4048 another shall, upon conviction, be guilty of a separate felony for
4049 each victim who suffers death, mutilation, disfigurement or other
4050 injury and shall be committed to the custody of the State
4051 Department of Corrections for a period of time of not less than



4052 five (5) years and not to exceed twenty-five (25) years for each
4053 death, mutilation, disfigurement or other injury, and the
4054 imprisonment for the second or each subsequent conviction, in the
4055 discretion of the court, shall commence either at the termination
4056 of the imprisonment for the preceding conviction or run
4057 concurrently with the preceding conviction. Any person charged
4058 with causing the death of another as described in this subsection
4059 shall be required to post bail before being released after arrest.

4060 (b) A holder of a commercial driver's license who is
4061 convicted of operating a commercial motor vehicle with an alcohol
4062 concentration of eight one-hundredths percent (.08%) or more shall
4063 be guilty of a felony and shall be committed to the custody of the
4064 Department of Corrections for not less than two (2) years and not
4065 more than ten (10) years.

4066 (c) The court shall order an ignition-interlock
4067 restriction on the offender's privilege to drive as a condition of
4068 probation or post-release supervision not to exceed five (5) years
4069 unless a longer restriction is required under other law. The
4070 ignition-interlock restriction shall not be applied to commercial
4071 license privileges until the driver serves the full
4072 disqualification period required by Section 63-1-216.

4073 (6) **DUI citations.** (a) Upon conviction of a violation of
4074 subsection (1) of this section, the trial judge shall sign in the
4075 place provided on the traffic ticket, citation or affidavit
4076 stating that the person arrested either employed an attorney or



4077 waived his right to an attorney after having been properly
4078 advised. If the person arrested employed an attorney, the name,
4079 address and telephone number of the attorney shall be written on
4080 the ticket, citation or affidavit. The court clerk must
4081 immediately send a copy of the traffic ticket, citation or
4082 affidavit, and any other pertinent documents concerning the
4083 conviction or other order of the court, to the Department of
4084 Public Safety as provided in Section 63-11-37.

4085 (b) A copy of the traffic ticket, citation or affidavit
4086 and any other pertinent documents, having been attested as true
4087 and correct by the Commissioner of Public Safety, or his designee,
4088 shall be sufficient proof of the conviction for purposes of
4089 determining the enhanced penalty for any subsequent convictions of
4090 violations of subsection (1) of this section. The Department of
4091 Public Safety shall maintain a central database for verification
4092 of prior offenses and convictions.

4093 (7) **Out-of-state prior convictions.** Convictions in another
4094 state, territory or possession of the United States, or under the
4095 law of a federally recognized Native American tribe, of violations
4096 for driving or operating a vehicle while under the influence of an
4097 intoxicating liquor or while under the influence of any other
4098 substance that has impaired the person's ability to operate a
4099 motor vehicle occurring within five (5) years before an offense
4100 shall be counted for the purposes of determining if a violation of
4101 subsection (1) of this section is a second, third, fourth or



4102 subsequent offense and the penalty that shall be imposed upon
4103 conviction for a violation of subsection (1) of this section.

4104 (8) **Charging of subsequent offenses.** (a) For the purposes
4105 of determining how to impose the sentence for a second, third,
4106 fourth or subsequent conviction under this section, the affidavit
4107 or indictment shall not be required to enumerate previous
4108 convictions. It shall only be necessary that the affidavit or
4109 indictment states the number of times that the defendant has been
4110 convicted and sentenced within the past five (5) years for a
4111 second or third offense, or without a time limitation for a fourth
4112 or subsequent offense, under this section to determine if an
4113 enhanced penalty shall be imposed. The amount of fine and
4114 imprisonment imposed in previous convictions shall not be
4115 considered in calculating offenses to determine a second, third,
4116 fourth or subsequent offense of this section.

4117 (b) Before a defendant enters a plea of guilty to an
4118 offense under this section, law enforcement must submit
4119 certification to the prosecutor that the defendant's driving
4120 record, the confidential registry and National Crime Information
4121 Center record have been searched for all prior convictions,
4122 nonadjudications, pretrial diversions and arrests for driving or
4123 operating a vehicle while under the influence of an intoxicating
4124 liquor or while under the influence of any other substance that
4125 has impaired the person's ability to operate a motor vehicle. The
4126 results of the search must be included in the certification.



4127 (9) **License eligibility for underage offenders.** A person
4128 who is under the legal age to obtain a license to operate a motor
4129 vehicle at the time of the offense and who is convicted under this
4130 section shall not be eligible to receive a driver's license until
4131 the person reaches the age of eighteen (18) years.

4132 (10) **License suspensions and restrictions to run**
4133 **consecutively.** Suspension or restriction of driving privileges
4134 for any person convicted of or nonadjudicated for violations of
4135 subsection (1) of this section shall run consecutively to and not
4136 concurrently with any other administrative license suspension.

4137 (11) **Ignition interlock.** If the court orders installation
4138 and use of an ignition-interlock device as provided in Section
4139 63-11-31 for every vehicle operated by a person convicted or
4140 nonadjudicated under this section, each device shall be installed,
4141 maintained and removed as provided in Section 63-11-31.

4142 (12) **DUI child endangerment.** A person over the age of
4143 twenty-one (21) who violates subsection (1) of this section while
4144 transporting in a motor vehicle a child under the age of sixteen
4145 (16) years is guilty of the separate offense of endangering a
4146 child by driving under the influence of alcohol or any other
4147 substance which has impaired the person's ability to operate a
4148 motor vehicle. The offense of endangering a child by driving
4149 under the influence of alcohol or any other substance which has
4150 impaired the person's ability to operate a motor vehicle shall not
4151 be merged with an offense of violating subsection (1) of this



4152 section for the purposes of prosecution and sentencing. An
4153 offender who is convicted of a violation of this subsection shall
4154 be punished as follows:

4155 (a) A person who commits a violation of this subsection
4156 which does not result in the serious injury or death of a child
4157 and which is a first conviction shall be guilty of a misdemeanor
4158 and, upon conviction, shall be fined not more than One Thousand
4159 Dollars (\$1,000.00) or shall be imprisoned for not more than
4160 twelve (12) months, or both;

4161 (b) A person who commits a violation of this subsection
4162 which does not result in the serious injury or death of a child
4163 and which is a second conviction shall be guilty of a misdemeanor
4164 and, upon conviction, shall be fined not less than One Thousand
4165 Dollars (\$1,000.00) nor more than Five Thousand Dollars
4166 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

4167 (c) A person who commits a violation of this subsection
4168 which does not result in the serious injury or death of a child
4169 and which is a third or subsequent conviction shall be guilty of a
4170 felony and, upon conviction, shall be fined not less than Ten
4171 Thousand Dollars (\$10,000.00) or shall be imprisoned for not less
4172 than one (1) year nor more than five (5) years, or both; and

4173 (d) A person who commits a violation of this subsection
4174 which results in the serious injury or death of a child, without
4175 regard to whether the offense was a first, second, third or
4176 subsequent offense, shall be guilty of a felony and, upon



4177 conviction, shall be punished by a fine of not less than Ten
4178 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less
4179 than five (5) years nor more than twenty-five (25) years.

4180 (13) **Expunction.** (a) Any person convicted under subsection
4181 (2) or (3) of this section of a first offense of driving under the
4182 influence and who was not the holder of a commercial driver's
4183 license or a commercial learning permit at the time of the offense
4184 may petition the circuit court of the county in which the
4185 conviction was had for an order to expunge the record of the
4186 conviction at least five (5) years after successful completion of
4187 all terms and conditions of the sentence imposed for the
4188 conviction. Expunction under this subsection will only be
4189 available to a person:

4190 (i) Who has successfully completed all terms and
4191 conditions of the sentence imposed for the conviction;

4192 (ii) Who did not refuse to submit to a test of his
4193 blood or breath;

4194 (iii) Whose blood alcohol concentration tested
4195 below sixteen one-hundredths percent (.16%) if test results are
4196 available;

4197 (iv) Who has not been convicted of and does not
4198 have pending any other offense of driving under the influence;

4199 (v) Who has provided the court with justification
4200 as to why the conviction should be expunged; and



4201 (vi) Who has not previously had a nonadjudication
4202 or expunction of a violation of this section.

4203 (b) A person is eligible for only one (1) expunction
4204 under this subsection, and the Department of Public Safety shall
4205 maintain a permanent confidential registry of all cases of
4206 expunction under this subsection for the sole purpose of
4207 determining a person's eligibility for expunction, for
4208 nonadjudication, or as a first offender under this section.

4209 (c) The court in its order of expunction shall state in
4210 writing the justification for which the expunction was granted and
4211 forward the order to the Department of Public Safety within five
4212 (5) days of the entry of the order.

4213 (14) **Nonadjudication.** (a) For the purposes of this
4214 chapter, "nonadjudication" means that the court withholds
4215 adjudication of guilt and sentencing, either at the conclusion of
4216 a trial on the merits or upon the entry of a plea of guilt by a
4217 defendant, and places the defendant in a nonadjudication program
4218 conditioned upon the successful completion of the requirements
4219 imposed by the court under this subsection.

4220 (b) A person is eligible for nonadjudication of an
4221 offense under this Section 63-11-30 only one (1) time under any
4222 provision of a law that authorizes nonadjudication and only for an
4223 offender:



4224 (i) Who has successfully completed all terms and
4225 conditions imposed by the court after placement of the defendant
4226 in a nonadjudication program;

4227 (ii) Who was not the holder of a commercial
4228 driver's license or a commercial learning permit at the time of
4229 the offense;

4230 (iii) Who has not previously been convicted of and
4231 does not have pending any former or subsequent charges under this
4232 section; and

4233 (iv) Who has provided the court with justification
4234 as to why nonadjudication is appropriate.

4235 (c) Nonadjudication may be initiated upon the filing of
4236 a petition for nonadjudication or at any stage of the proceedings
4237 in the discretion of the court; the court may withhold
4238 adjudication of guilt, defer sentencing, and upon the agreement of
4239 the offender to participate in a nonadjudication program, enter an
4240 order imposing requirements on the offender for a period of court
4241 supervision before the order of nonadjudication is entered.
4242 Failure to successfully complete a nonadjudication program
4243 subjects the person to adjudication of the charges against him and
4244 to imposition of all penalties previously withheld due to entrance
4245 into a nonadjudication program. The court shall immediately
4246 inform the commissioner of the conviction as required in Section
4247 63-11-37.

4248 (i) The court shall order the person to:



4249 1. Pay the nonadjudication fee imposed under
4250 Section 63-11-31 if applicable;

4251 2. Pay all fines, penalties and assessments
4252 that would have been imposed for conviction;

4253 3. Attend and complete an alcohol safety
4254 education program as provided in Section 63-11-32 within six (6)
4255 months of the date of the order;

4256 4. a. If the court determines that the
4257 person violated this section with respect to alcohol or
4258 intoxicating liquor, the person must install an ignition-interlock
4259 device on every motor vehicle operated by the person, obtain an
4260 interlock-restricted license, and maintain that license for one
4261 hundred twenty (120) days or suffer a one-hundred-twenty-day
4262 suspension of the person's regular driver's license, during which
4263 time the person must not operate any vehicle.

4264 b. If the court determines that the
4265 person violated this section by operating a vehicle when under the
4266 influence of a substance other than alcohol that has impaired the
4267 person's ability to operate a motor vehicle, including any drug or
4268 controlled substance which is unlawful to possess under the
4269 Mississippi Controlled Substances Law, the person must submit to a
4270 one-hundred-twenty-day period of a nonadjudication program that
4271 includes court-ordered drug testing at the person's own expense
4272 not less often than every thirty (30) days, during which time the
4273 person may drive if compliant with the terms of the program, or



4274 suffer a one-hundred-twenty-day suspension of the person's regular
4275 driver's license, during which time the person will not operate
4276 any vehicle.

4277 (ii) Other conditions that may be imposed by the
4278 court include, but are not limited to, alcohol or drug screening,
4279 or both, proof that the person has not committed any other traffic
4280 violations while under court supervision, proof of immobilization
4281 or impoundment of vehicles owned by the offender if required, and
4282 attendance at a victim-impact panel.

4283 (d) The court may enter an order of nonadjudication
4284 only if the court finds, after a hearing or after ex parte
4285 examination of reliable documentation of compliance, that the
4286 offender has successfully completed all conditions imposed by law
4287 and previous orders of the court. The court shall retain
4288 jurisdiction over cases involving nonadjudication for a period of
4289 not more than two (2) years.

4290 (e) (i) The clerk shall immediately forward a record
4291 of every person placed in a nonadjudication program and of every
4292 nonadjudication order to the Department of Public Safety for
4293 inclusion in the permanent confidential registry of all cases that
4294 are nonadjudicated under this subsection (14).

4295 (ii) Judges, clerks and prosecutors involved in
4296 the trial of implied consent violations and law enforcement
4297 officers involved in the issuance of citations for implied consent
4298 violations shall have secure online access to the confidential



4299 registry for the purpose of determining whether a person has
4300 previously been the subject of a nonadjudicated case and 1. is
4301 therefore ineligible for another nonadjudication; 2. is ineligible
4302 as a first offender for a violation of this section; or 3. is
4303 ineligible for expunction of a conviction of a violation of this
4304 section.

4305 (iii) The * * * Secretary of State shall have
4306 access to the confidential registry for the purpose of determining
4307 whether a person is eligible for a form of license not restricted
4308 to operating a vehicle equipped with an ignition-interlock device.

4309 (iv) The Mississippi Alcohol Safety Education
4310 Program shall have secure online access to the confidential
4311 registry for research purposes only.

4312 **SECTION 83.** Section 63-11-31, Mississippi Code of 1972, is
4313 amended as follows:

4314 **[Effective until July 1, 2020, this section will read as**
4315 **follows:]**

4316 63-11-31. (1) (a) The provisions of this section are
4317 supplemental to the provisions of Section 63-11-30.

4318 (b) (i) "Ignition-interlock device" means a device
4319 approved by the Department of Public Safety that connects a motor
4320 vehicle ignition system to a breath-alcohol analyzer and prevents
4321 a motor vehicle ignition from starting if the driver's blood
4322 alcohol level exceeds the calibrated setting on the device.



4323 (ii) "Interlock-restricted license" means a
4324 driver's license bearing a restriction that limits the person to
4325 operation of vehicles equipped with an ignition-interlock device.

4326 (c) A person who can exercise the privilege of driving
4327 only under an interlock-restricted license must have an
4328 ignition-interlock device installed and operating on all motor
4329 vehicles owned or operated by the person.

4330 (d) A person who installs an ignition-interlock device
4331 may obtain an interlock-restricted license.

4332 (2) (a) The cost of installation and operation of an
4333 ignition-interlock device shall be borne by the person to whom an
4334 interlock-restricted driver's license is issued, and the costs of
4335 court-ordered drug testing shall be borne by the person so
4336 ordered, unless the person is determined by the court to be
4337 indigent.

4338 (b) (i) A person convicted under Section 63-11-30
4339 shall be assessed by the court, in addition to the criminal fines,
4340 penalties and assessments provided by law for violations of
4341 Section 63-11-30, a fee of Fifty Dollars (\$50.00), to be deposited
4342 in the Interlock Device Fund in the State Treasury unless the
4343 person is determined by the court to be indigent.

4344 (ii) A person nonadjudicated under Section
4345 63-11-30 shall be assessed by the court, in addition to the
4346 criminal fines, penalties and assessments provided by law for
4347 violations of Section 63-11-30, a fee of Two Hundred Fifty Dollars



4348 (\$250.00) to be deposited in the Interlock Device Fund in the
4349 State Treasury unless the person is determined by the court to be
4350 indigent.

4351 (3) (a) The Department of Public Safety shall promulgate
4352 rules and regulations for the use of an ignition-interlock device.
4353 The Department of Public Safety shall approve which vendors shall
4354 be used to furnish the systems, may assess fees to the vendors,
4355 and shall prescribe the maximum costs to the offender for
4356 installation, removal, monthly operation, periodic inspections,
4357 calibrations and repairs.

4358 (b) A person who has an ignition-interlock device
4359 installed in a vehicle shall:

4360 (i) Provide proof of the installation of the
4361 device and periodic reporting for verification of the proper
4362 operation of the device;

4363 (ii) Have the system monitored for proper use and
4364 accuracy as required by departmental regulation;

4365 (iii) Pay the reasonable cost of leasing or
4366 buying, monitoring, and maintaining the device unless the person
4367 is determined to be indigent; and

4368 (iv) Obtain an ignition-interlock driver's
4369 license.

4370 (4) (a) (i) A person who is limited to driving only under
4371 an interlock-restricted driver's license shall not operate a
4372 vehicle that is not equipped with an ignition-interlock device.



4373 (ii) A person prohibited from operating a motor
4374 vehicle that is not equipped with an ignition-interlock device may
4375 not solicit or have another person attempt to start or start a
4376 motor vehicle equipped with such a device.

4377 (iii) A person may not start or attempt to start a
4378 motor vehicle equipped with an ignition-interlock device for the
4379 purpose of providing an operable motor vehicle to a person who is
4380 prohibited from operating a motor vehicle that is not equipped
4381 with an ignition-interlock device.

4382 (iv) A person may not tamper with, or in any way
4383 attempt to circumvent, the operation of an ignition-interlock
4384 device that has been installed in a motor vehicle.

4385 (v) A person may not knowingly provide a motor
4386 vehicle not equipped with a functioning ignition-interlock device
4387 to another person who the provider of the vehicle knows or should
4388 know is prohibited from operating a motor vehicle not equipped
4389 with an ignition-interlock device.

4390 (b) A violation of this subsection (4) is a misdemeanor
4391 and upon conviction the violator shall be fined an amount not less
4392 than Two Hundred Fifty Dollars (\$250.00) nor more than One
4393 Thousand Dollars (\$1,000.00) or imprisoned for not more than six
4394 (6) months, or both, unless the starting of a motor vehicle
4395 equipped with an ignition-interlock device is done for the purpose
4396 of safety or mechanical repair of the device or the vehicle, and



4397 the person subject to the restriction does not operate the
4398 vehicle.

4399 (5) In order to obtain an interlock-restricted license, a
4400 person must:

4401 (a) Be otherwise qualified to operate a motor vehicle,
4402 and will be subject to all other restrictions on the privilege to
4403 drive provided by law;

4404 (b) Submit proof that an ignition-interlock device is
4405 installed and operating on all motor vehicles operated by the
4406 person; and

4407 (c) Pay the fee set forth in Section 63-1-43 to obtain
4408 the license without regard to indigence; no license reinstatement
4409 fee under Section 63-1-46 shall be charged for a person obtaining
4410 an interlock-restricted license.

4411 (6) (a) In addition to the penalties authorized for any
4412 second or subsequent conviction under Section 63-11-30, the court
4413 shall order that all vehicles owned by the offender that are not
4414 equipped with an ignition-interlock device must be either
4415 impounded or immobilized pending further order of the court
4416 lifting the offender's driving restriction. However, no county,
4417 municipality, sheriff's department or the Department of Public
4418 Safety shall be required to keep, store, maintain, serve as a
4419 bailee or otherwise exercise custody over a motor vehicle
4420 impounded under the provisions of this section. The cost



4421 associated with any impoundment or immobilization shall be paid by
4422 the person convicted without regard to ability to pay.

4423 (b) A person may not tamper with, or in any way attempt
4424 to circumvent, vehicle immobilization or impoundment ordered by
4425 the court under this section. A violation of this paragraph (b)
4426 is a misdemeanor and, upon conviction, the violator shall be fined
4427 an amount not less than Two Hundred Fifty Dollars (\$250.00) nor
4428 more than One Thousand Dollars (\$1,000.00) or imprisoned for not
4429 more than six (6) months, or both.

4430 (7) (a) The Department of Public Safety shall promulgate
4431 rules and regulations for the use of monies in the Interlock
4432 Device Fund to offset the cost of device installation and
4433 operation by and court-ordered drug testing of indigent offenders.

4434 (b) The court shall determine a defendant's indigence
4435 based upon whether the defendant has access to adequate resources
4436 to pay the ignition-interlock fee and the costs of installation
4437 and maintenance of an ignition-interlock device, or the costs of
4438 court-ordered drug testing or both, and may further base the
4439 determination of indigence on proof of enrollment in one or more
4440 of the following types of public assistance:

4441 (i) Temporary Assistance for Needy Families
4442 (TANF);

4443 (ii) Medicaid assistance;

4444 (iii) The Supplemental Nutritional Assistance
4445 Program (SNAP), also known as "food stamps";



4446 (iv) Supplemental security income (SSI);
4447 (v) Participation in a federal food distribution
4448 program;
4449 (vi) Federal housing assistance;
4450 (vii) Unemployment compensation; or
4451 (viii) Other criteria determined appropriate by
4452 the court.

4453 (c) No more than ten percent (10%) of the money in the
4454 Interlock Device Fund in any fiscal year shall be expended by the
4455 department for the purpose of administering the fund.

4456 (d) (i) Money in the Interlock Device Fund will be
4457 appropriated to the department to cover part of the costs of
4458 installing, removing and leasing ignition-interlock devices for
4459 indigent people who are required, because of a conviction or
4460 nonadjudication under Section 63-11-30, to install an
4461 ignition-interlock device in all vehicles operated by the person.

4462 (ii) If money is available in the Interlock Device
4463 Fund, the department shall pay to the vendor, for one (1) vehicle
4464 per offender, up to Fifty Dollars (\$50.00) for the cost of
4465 installation, up to Fifty Dollars (\$50.00) for the cost of
4466 removal, and up to Thirty Dollars (\$30.00) monthly for verified
4467 active usage of the ignition-interlock device. The department
4468 shall not pay any amount above what an offender would be required
4469 to pay for the installation, removal or usage of an
4470 ignition-interlock device.



4471 (8) In order to reinstate a form of driver's license that is
4472 not restricted to operation of an ignition-interlock equipped
4473 vehicle, the person must submit proof to the Department of Public
4474 Safety to substantiate the person's eligibility for an
4475 unrestricted license, which may be a court order indicating
4476 completion of sentence or final order of nonadjudication; in the
4477 absence of a court order, the proof may consist of the following
4478 or such other proof as the commissioner may set forth by
4479 regulation duly adopted under the Administrative Procedures Act:

4480 (a) Proof of successful completion of an alcohol safety
4481 program as provided in Section 63-11-32 if so ordered by the
4482 court;

4483 (b) Payment of the reinstatement fee required under
4484 Section 63-1-46(1) (a);

4485 (c) Payment of the driver's license fee required under
4486 Section 63-1-43;

4487 (d) A certificate of liability insurance or proof of
4488 financial responsibility; and

4489 (e) (i) For those driving under an
4490 interlock-restricted license, a declaration from the vendor, in a
4491 form provided or approved by the Department of Public Safety,
4492 certifying that there have been none of the following incidents in
4493 the last thirty (30) days:

4494 1. An attempt to start the vehicle with a
4495 breath alcohol concentration of 0.04 or more;



4496 2. Failure to take or pass any required
4497 retest; or

4498 3. Failure of the person to appear at the
4499 ignition-interlock device vendor when required for maintenance,
4500 repair, calibration, monitoring, inspection, or replacement of the
4501 device; or

4502 (ii) For a person who violated Section 63-11-30
4503 with respect to drugs other than alcohol, proof of successful
4504 compliance with all court-ordered drug testing; or

4505 (iii) Both subparagraphs (i) and (ii) of this
4506 paragraph (e) if applicable.

4507 (9) The court may extend the interlock-restricted period if
4508 the person had a violation in the last thirty (30) days.

4509 (10) The court that originally ordered installation of the
4510 ignition-interlock device for a violation of Section 63-11-30 and
4511 a court in the municipality or county in which the violation
4512 occurred have jurisdiction over an offense under this section.

4513 (11) A person who voluntarily obtains an
4514 interlock-restricted license may convert at any time to any other
4515 form of license for which the person is qualified.

4516 (12) The Department of Public Safety shall require all
4517 manufacturers of ignition-interlock devices to report
4518 ignition-interlock data in a consistent and uniform format as
4519 prescribed by the Department of Public Safety. Ignition-interlock
4520 vendors must also use the uniform format when sharing data with



4521 courts ordering an ignition interlock, with alcohol safety
4522 education programs, or with other treatment providers.

4523 **[Effective from and after July 1, 2020, this section will**
4524 **read:]**

4525 63-11-31. (1) (a) The provisions of this section are
4526 supplemental to the provisions of Section 63-11-30.

4527 (b) (i) "Ignition-interlock device" means a device
4528 approved by the * * * Secretary of State that connects a motor
4529 vehicle ignition system to a breath-alcohol analyzer and prevents
4530 a motor vehicle ignition from starting if the driver's blood
4531 alcohol level exceeds the calibrated setting on the device.

4532 (ii) "Interlock-restricted license" means a
4533 driver's license bearing a restriction that limits the person to
4534 operation of vehicles equipped with an ignition-interlock device.

4535 (iii) "Court-ordered drug-testing program" means a
4536 program that qualifies under Section 63-11-31.1.

4537 (c) A person who can exercise the privilege of driving
4538 only under an interlock-restricted license must have an
4539 ignition-interlock device installed and operating on all motor
4540 vehicles owned or operated by the person.

4541 (d) A person who installs an ignition-interlock device
4542 may obtain an interlock-restricted license.

4543 (2) (a) (i) The cost of installation and operation of an
4544 ignition-interlock device shall be borne by the person to whom an
4545 interlock-restricted driver's license is issued, and the costs of



4546 court-ordered drug testing shall be borne by the person so
4547 ordered, unless the person is determined by the court to be
4548 indigent.

4549 (ii) The cost of participating in a court-ordered
4550 drug-testing program shall be borne by the person, unless the
4551 person is determined by the court to be indigent.

4552 (b) (i) A person convicted under Section 63-11-30
4553 shall be assessed by the court, in addition to the criminal fines,
4554 penalties and assessments provided by law for violations of
4555 Section 63-11-30, a fee of Fifty Dollars (\$50.00), to be deposited
4556 in the Interlock Device Fund in the State Treasury unless the
4557 person is determined by the court to be indigent.

4558 (ii) A person nonadjudicated under Section
4559 63-11-30 shall be assessed by the court, in addition to the
4560 criminal fines, penalties and assessments provided by law for
4561 violations of Section 63-11-30, a fee of Two Hundred Fifty Dollars
4562 (\$250.00) to be deposited in the Interlock Device Fund in the
4563 State Treasury unless the person is determined by the court to be
4564 indigent.

4565 (3) (a) The * * * Secretary of State shall promulgate rules
4566 and regulations for the use of an ignition-interlock device.
4567 The * * * Secretary of State shall approve which vendors shall be
4568 used to furnish the systems, may assess fees to the vendors, and
4569 shall prescribe the maximum costs to the offender for



4570 installation, removal, monthly operation, periodic inspections,
4571 calibrations and repairs.

4572 (b) A person who has an ignition-interlock device
4573 installed in a vehicle shall:

4574 (i) Provide proof of the installation of the
4575 device and periodic reporting for verification of the proper
4576 operation of the device;

4577 (ii) Have the system monitored for proper use and
4578 accuracy as required by departmental regulation;

4579 (iii) Pay the reasonable cost of leasing or
4580 buying, monitoring, and maintaining the device unless the person
4581 is determined to be indigent; and

4582 (iv) Obtain an ignition-interlock driver's
4583 license.

4584 (4) (a) (i) A person who is limited to driving only under
4585 an interlock-restricted driver's license shall not operate a
4586 vehicle that is not equipped with an ignition-interlock device.

4587 (ii) A person prohibited from operating a motor
4588 vehicle that is not equipped with an ignition-interlock device may
4589 not solicit or have another person attempt to start or start a
4590 motor vehicle equipped with such a device.

4591 (iii) A person may not start or attempt to start a
4592 motor vehicle equipped with an ignition-interlock device for the
4593 purpose of providing an operable motor vehicle to a person who is



4594 prohibited from operating a motor vehicle that is not equipped
4595 with an ignition-interlock device.

4596 (iv) A person may not tamper with, or in any way
4597 attempt to circumvent, the operation of an ignition-interlock
4598 device that has been installed in a motor vehicle.

4599 (v) A person may not knowingly provide a motor
4600 vehicle not equipped with a functioning ignition-interlock device
4601 to another person who the provider of the vehicle knows or should
4602 know is prohibited from operating a motor vehicle not equipped
4603 with an ignition-interlock device.

4604 (b) A violation of this subsection (4) is a misdemeanor
4605 and upon conviction the violator shall be fined an amount not less
4606 than Two Hundred Fifty Dollars (\$250.00) nor more than One
4607 Thousand Dollars (\$1,000.00) or imprisoned for not more than six
4608 (6) months, or both, unless the starting of a motor vehicle
4609 equipped with an ignition-interlock device is done for the purpose
4610 of safety or mechanical repair of the device or the vehicle, and
4611 the person subject to the restriction does not operate the
4612 vehicle.

4613 (5) In order to obtain an interlock-restricted license, a
4614 person must:

4615 (a) Be otherwise qualified to operate a motor vehicle,
4616 and will be subject to all other restrictions on the privilege to
4617 drive provided by law;



4618 (b) Submit proof that an ignition-interlock device is
4619 installed and operating on all motor vehicles operated by the
4620 person; and

4621 (c) Pay the fee set forth in Section 63-1-43 to obtain
4622 the license without regard to indigence; no license reinstatement
4623 fee under Section 63-1-46 shall be charged for a person obtaining
4624 an interlock-restricted license.

4625 (6) (a) In addition to the penalties authorized for any
4626 second or subsequent conviction under Section 63-11-30, the court
4627 shall order that all vehicles owned by the offender that are not
4628 equipped with an ignition-interlock device must be either
4629 impounded or immobilized pending further order of the court
4630 lifting the offender's driving restriction. However, no county,
4631 municipality, sheriff's department or the Department of Public
4632 Safety shall be required to keep, store, maintain, serve as a
4633 bailee or otherwise exercise custody over a motor vehicle
4634 impounded under the provisions of this section. The cost
4635 associated with any impoundment or immobilization shall be paid by
4636 the person convicted without regard to ability to pay.

4637 (b) A person may not tamper with, or in any way attempt
4638 to circumvent, vehicle immobilization or impoundment ordered by
4639 the court under this section. A violation of this paragraph (b)
4640 is a misdemeanor and, upon conviction, the violator shall be fined
4641 an amount not less than Two Hundred Fifty Dollars (\$250.00) nor



4642 more than One Thousand Dollars (\$1,000.00) or imprisoned for not
4643 more than six (6) months, or both.

4644 (7) (a) The * * * Secretary of State shall promulgate rules
4645 and regulations for the use of monies in the Interlock Device Fund
4646 to offset the cost of interlock device installation and operation
4647 by and court-ordered drug testing of indigent offenders.

4648 (b) The court shall determine a defendant's indigence
4649 based upon whether the defendant has access to adequate resources
4650 to pay the ignition-interlock fee and the costs of installation
4651 and maintenance of an ignition-interlock device, or the costs of
4652 court-ordered drug testing or both, and may further base the
4653 determination of indigence on proof of enrollment in one or more
4654 of the following types of public assistance:

4655 (i) Temporary Assistance for Needy Families
4656 (TANF);

4657 (ii) Medicaid assistance;

4658 (iii) The Supplemental Nutritional Assistance
4659 Program (SNAP), also known as "food stamps";

4660 (iv) Supplemental security income (SSI);

4661 (v) Participation in a federal food distribution
4662 program;

4663 (vi) Federal housing assistance;

4664 (vii) Unemployment compensation; or

4665 (viii) Other criteria determined appropriate by
4666 the court.



4667 (c) No more than ten percent (10%) of the money in the
4668 Interlock Device Fund in any fiscal year shall be expended by
4669 the * * * Secretary of State for the purpose of administering the
4670 fund.

4671 (d) The * * * Secretary of State must promulgate
4672 regulations for the program and for vendors, including at a
4673 minimum:

4674 (i) That the offender must pay the cost of the
4675 testing program or, if the court finds the offender to be
4676 indigent, that the cost be paid from the Interlock Device Fund.

4677 (ii) How indigent funds will be accessed by the
4678 vendors, and the maximum cost to the offender or the fund.

4679 (e) (i) Money in the Interlock Device Fund will be
4680 appropriated to the * * * Secretary of State to cover part of the
4681 costs of court-ordered drug testing and installing, removing and
4682 leasing ignition-interlock devices for indigent people who are
4683 required, because of a conviction or nonadjudication under Section
4684 63-11-30, to install an ignition-interlock device in all vehicles
4685 operated by the person.

4686 (ii) If money is available in the Interlock Device
4687 Fund, the * * * Secretary of State shall pay to the vendor, for
4688 one (1) vehicle per offender, up to Fifty Dollars (\$50.00) for the
4689 cost of installation, up to Fifty Dollars (\$50.00) for the cost of
4690 removal, and up to Thirty Dollars (\$30.00) monthly for verified
4691 active usage of the ignition-interlock device. The * * *



4692 Secretary of State shall not pay any amount above what an offender
4693 would be required to pay for the installation, removal or usage of
4694 an ignition-interlock device.

4695 (iii) If money is available in the Interlock
4696 Device Fund, the * * * Secretary of State shall pay to the vendor
4697 an amount not to exceed that promulgated by the Forensics
4698 Laboratory for court-ordered drug testing. The * * * Secretary of
4699 State shall not pay any amount above what an offender would be
4700 required to pay individually.

4701 (8) In order to reinstate a form of driver's license that is
4702 not restricted to operation of an ignition-interlock equipped
4703 vehicle, the person must submit proof to the * * * Secretary of
4704 State to substantiate the person's eligibility for an unrestricted
4705 license, which may be a court order indicating completion of
4706 sentence or final order of nonadjudication; in the absence of a
4707 court order, the proof may consist of the following or such other
4708 proof as the * * * Secretary of State may set forth by regulation
4709 duly adopted under the Administrative Procedures Act:

4710 (a) Proof of successful completion of an alcohol safety
4711 program as provided in Section 63-11-32 if so ordered by the
4712 court;

4713 (b) Payment of the reinstatement fee required under
4714 Section 63-1-46(1) (a);

4715 (c) Payment of the driver's license fee required under
4716 Section 63-1-43;



4717 (d) A certificate of liability insurance or proof of
4718 financial responsibility; and

4719 (e) (i) For those driving under an
4720 interlock-restricted license, a declaration from the vendor, in a
4721 form provided or approved by the * * * Secretary of State,
4722 certifying that there have been none of the following incidents in
4723 the last thirty (30) days:

4724 1. An attempt to start the vehicle with a
4725 breath alcohol concentration of 0.04 or more;

4726 2. Failure to take or pass any required
4727 retest; or

4728 3. Failure of the person to appear at the
4729 ignition-interlock device vendor when required for maintenance,
4730 repair, calibration, monitoring, inspection, or replacement of the
4731 device; or

4732 (ii) For a person who violated Section 63-11-30
4733 with respect to drugs other than alcohol, proof of successful
4734 compliance with all court-ordered drug testing; or

4735 (iii) Both subparagraphs (i) and (ii) of this
4736 paragraph (e) if applicable.

4737 (9) The court may extend the interlock-restricted period if
4738 the person had a violation in the last thirty (30) days.

4739 (10) The court that originally ordered installation of the
4740 ignition-interlock device for a violation of Section 63-11-30 and



4741 a court in the municipality or county in which the violation
4742 occurred have jurisdiction over an offense under this section.

4743 (11) A person who voluntarily obtains an
4744 interlock-restricted license may convert at any time to any other
4745 form of license for which the person is qualified.

4746 (12) (a) The * * * Secretary of State shall require all
4747 manufacturers of ignition-interlock devices to report
4748 ignition-interlock data in a consistent and uniform format as
4749 prescribed by the * * * Secretary of State. Ignition-interlock
4750 vendors must also use the uniform format when sharing data with
4751 courts ordering an ignition interlock, with alcohol safety
4752 education programs, or with other treatment providers.

4753 (b) The Department of Public Safety shall require all
4754 vendors of drug testing programs approved under Section 63-11-31.1
4755 to report test results in a consistent and uniform format as
4756 prescribed by the Forensics Laboratory. Vendors must report test
4757 results to the court on a monthly basis, except that a positive
4758 test or failure of the testing participant to submit to
4759 verification must be reported to the court within five (5) days of
4760 verification of the positive test or the failure to submit.

4761 **SECTION 84.** Section 63-11-31.1, Mississippi Code of 1972, is
4762 amended as follows:

4763 63-11-31.1. (1) The Mississippi Forensics Laboratory shall
4764 promulgate rules and regulations for court-ordered drug testing of
4765 DUI/other drug violators and shall approve which vendors are



4766 eligible to be utilized by the trial courts when ordering
4767 defendants to undergo drug testing as a condition of continuing to
4768 exercise the privilege to drive. The Forensics Laboratory may
4769 assess fees to the vendors, and shall prescribe the maximum costs
4770 to the offender for drug testing. The Forensics Laboratory may
4771 seek the advice of the State Intervention Court Advisory Committee
4772 in fulfilling these duties.

4773 (2) The Forensics Laboratory must evaluate proposals made by
4774 prospective vendors for acceptability, including, without
4775 limitation, the following factors:

4776 (a) A description of the method used for assessment;

4777 (b) The frequency with which the offender will be
4778 tested;

4779 (c) The procedure used by the vendor to ensure the
4780 accuracy of the test results;

4781 (d) The length of time allowed the offender to provide
4782 a biological sample after being given notice;

4783 (e) The frequency with which the vendor will make
4784 reports to the court;

4785 (f) The list of approved sites for the collection of
4786 biological samples for testing.

4787 (3) The Forensics Laboratory must promulgate regulations,
4788 consistent with any regulations promulgated by the Secretary of
4789 State, for the program and for vendors, including at a minimum:



4790 (a) That the offender must pay the cost of the testing
4791 program or, if the court finds the offender to be indigent, that
4792 the cost be paid from the Interlock Device Fund.

4793 (b) How indigent funds will be accessed by the vendors,
4794 and the maximum cost to the offender or the fund.

4795 (4) The Forensics Laboratory will provide the list of
4796 approved vendors, subject to continuous updating, to the
4797 Mississippi Judicial College for dissemination to the trial
4798 courts.

4799 **SECTION 85.** Section 63-11-33, Mississippi Code of 1972, is
4800 amended as follows:

4801 **[Effective until July 1, 2020, this section will read as**
4802 **follows:]**

4803 63-11-33. There is created in the State Treasury a special
4804 fund to be known as the Interlock Device Fund. The purpose of the
4805 fund shall be to provide funding * * * assistance for ignition
4806 interlock devices for persons determined to be unable to afford
4807 the installation and maintenance of an ignition interlock device.
4808 Monies from the fund shall be distributed by the State Treasurer
4809 upon warrants issued by the Department of Public Safety. The fund
4810 shall be a continuing fund, not subject to fiscal-year
4811 limitations, and shall consist of:

4812 (a) Monies appropriated by the Legislature for the
4813 purposes of funding the Driver's License Bureau;

4814 (b) The interest accruing to the fund;



4815 (c) Monies paid by a person for deposit into the fund
4816 under Section 63-11-31; and

4817 (d) Monies received from such other sources as may be
4818 provided by law.

4819 **[Effective from and after July 1, 2020, this section will**
4820 **read:]**

4821 63-11-33. There is created in the State Treasury a special
4822 fund to be known as the Interlock Device Fund. The purpose of the
4823 fund shall be to provide funding * * * assistance for ignition
4824 interlock devices and court-ordered drug testing for persons
4825 determined to be unable to afford the installation and maintenance
4826 of an ignition interlock device or costs of drug testing. Monies
4827 from the fund shall be distributed by the State Treasurer upon
4828 warrants issued by the Department of Public Safety. The fund
4829 shall be a continuing fund, not subject to fiscal-year
4830 limitations, and shall consist of:

4831 (a) Monies appropriated by the Legislature for the
4832 purposes of funding the Driver's License Bureau;

4833 (b) The interest accruing to the fund;

4834 (c) Monies paid by a person for deposit into the fund
4835 under Section 63-11-31; and

4836 (d) Monies received from such other sources as may be
4837 provided by law.

4838 **SECTION 86.** Section 63-11-37, Mississippi Code of 1972, is
4839 amended as follows:



4840 63-11-37. (1) It shall be the duty of the trial judge, upon
4841 conviction of a person under Section 63-11-30, to mail or
4842 otherwise deliver in a method prescribed by the * * * Secretary of
4843 State a true and correct copy of the traffic ticket, citation or
4844 affidavit evidencing the arrest that resulted in the conviction
4845 and a certified copy of the abstract of the court record within
4846 five (5) days to the * * * Secretary of State at Jackson,
4847 Mississippi. The trial judge in municipal and justice courts
4848 shall show on the docket and the trial judge in courts of record
4849 shall show on the minutes:

4850 (a) Whether a chemical test was given and the results
4851 of the test, if any; and

4852 (b) Whether conviction was based in whole or in part on
4853 the results of such a test.

4854 (2) The abstract of the court record shall show the date of
4855 the conviction, the results of the test if there was one, and the
4856 penalty, so that a record of same may be made by the * * *
4857 Secretary of State.

4858 (3) For the purposes of Section 63-11-30, a bond forfeiture
4859 shall operate as and be considered as a conviction.

4860 (4) A trial court clerk who fails to provide a true and
4861 correct copy of the traffic ticket, citation or affidavit
4862 evidencing the arrest that resulted in the conviction and a copy
4863 of the abstract of the court record within five (5) days of the
4864 availability of that information as required in subsection (1) of



4865 this section is guilty of a civil violation and shall be fined One
4866 Hundred Dollars (\$100.00), for which civil fine the clerk bears
4867 sole and personal responsibility. Each instance of failure is a
4868 separate violation.

4869 **SECTION 87.** This act shall take effect and be in force from
4870 and after July 1, 2020.

