

**Adopted
SUBSTITUTE NO 1 FOR COMMITTEE AMENDMENT NO 1 PROPOSED
TO**

House Bill No. 604

BY: Senator(s) Sparks

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

9 **SECTION 1.** Section 63-11-23, Mississippi Code of 1972, is
10 amended as follows:

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

15 (a) If upon review the Commissioner of Public Safety,
16 or his authorized agent, finds (i) that the law enforcement
17 officer had reasonable grounds and probable cause to believe the
18 person had been operating a motor vehicle upon the public



19 highways, public roads * * * or streets of this state while under
20 the influence of intoxicating liquor or any other substance that
21 may impair a person's mental or physical ability; (ii) that the
22 person refused to submit to the chemical test of the person's
23 breath, blood or urine upon request of the officer; and (iii) that
24 the person was informed that his license and driving privileges
25 would be suspended or denied if he refused to submit to the
26 chemical test of his breath, blood or urine, then the Commissioner
27 of Public Safety, or his authorized agent, shall give notice to
28 the licensee that his license or permit to drive, or any
29 nonresident operating privilege, shall be suspended thirty (30)
30 days after the date of the notice for a period of ninety (90) days
31 if the person has not previously been convicted of or
32 nonadjudicated for a violation of Section 63-11-30, or, for a
33 period of one (1) year if the person was previously convicted or
34 nonadjudicated under Section 63-11-30. If the commissioner or his
35 authorized agent determines that the license or permit should not
36 be suspended, he shall return the license or permit to the
37 licensee.

38 (b) The notice of suspension shall be in writing and
39 conform to Section 63-1-52.

40 (c) A person may continue to drive on either an
41 interlock-restricted license or under a drug-testing program if so
42 ordered by a court in the course of a criminal proceeding for a
43 violation of Section 63-11-30.



44 (2) **Extension or suspension of privilege to drive; request**
45 **for trial.** (a) If the chemical testing of a person's breath
46 indicates the blood alcohol concentration was eight one-hundredths
47 percent (.08%) or more for persons who are above the legal age to
48 purchase alcoholic beverages under state law, or two
49 one-hundredths percent (.02%) or more for persons who are below
50 the legal age to purchase alcoholic beverages under state law,
51 based upon grams of alcohol per one hundred (100) milliliters of
52 blood or grams of alcohol per two hundred ten (210) liters of
53 breath as shown by a chemical analysis of the person's blood,
54 breath, or urine, the arresting officer shall seize the license
55 and give the driver a receipt for his license on forms prescribed
56 by the Commissioner of Public Safety and shall promptly forward
57 the license together with a sworn report to the Commissioner of
58 Public Safety. The receipt given a person shall be valid as a
59 permit to operate a motor vehicle for thirty (30) days in order
60 that the defendant may be processed through the court having
61 original jurisdiction and a final disposition had.

62 (b) If the defendant requests a trial within thirty
63 (30) days and trial is not commenced within thirty (30) days, then
64 the court shall determine if the delay in the trial is the fault
65 of the defendant or his counsel. If the court finds that it is
66 not the fault of the defendant or his counsel, then the court
67 shall order the defendant's privileges to operate a motor vehicle



68 to be extended until the defendant is convicted upon final order
69 of the court.

70 (c) If a receipt or permit to drive issued under this
71 subsection expires without a trial having been requested as
72 provided in this subsection, then the Commissioner of Public
73 Safety, or his authorized agent, shall suspend the license or
74 permit to drive or any nonresident operating privilege for the
75 applicable period of time as provided in subsection (1) of this
76 section.

77 (3) **Offenders driving without a license.** If the person is a
78 resident without a license or permit to operate a motor vehicle in
79 this state, the Commissioner of Public Safety, or his authorized
80 agent, shall deny to the person the issuance of a license or
81 permit for a period of one (1) year beginning thirty (30) days
82 after the date of notice of the suspension.

83 (4) **Appeal.** It shall be the duty of the municipal
84 prosecuting attorney, county prosecuting attorney, an attorney
85 employed under the provisions of Section 19-3-49, or if there is
86 not a prosecuting attorney for the municipality or county, the
87 duty of the district attorney to represent the state in any
88 hearing on a de novo appeal held under the provisions of Section
89 63-11-25, Section 63-11-37 or Section 63-11-30.

90 (5) **Suspension subsequent to conviction.** Unless the person
91 obtains an interlock-restricted license or the court orders the
92 person to exercise the privilege to operate a motor vehicle only



93 under an interlock-restricted license or while participating in a
94 court-ordered drug-testing program, thirty (30) days after receipt
95 of the court abstract documenting a person's conviction under
96 Section 63-11-30, the Department of Public Safety shall suspend
97 the driver's license and privileges of the person to operate a
98 motor vehicle as follows:

99 (a) When sentenced under Section 63-11-30(2):

100 (i) For a first offense: one hundred twenty (120)
101 days;

102 (ii) For a second offense: one (1) year;

103 (iii) For a third offense: for the full period of
104 the person's sentence; upon release from incarceration, the person
105 will be eligible for only an interlock-restricted license for
106 three (3) years;

107 (iv) For a fourth or subsequent offense: for the
108 full period of the person's sentence; upon release from
109 incarceration, the person will be eligible for only an
110 interlock-restricted license for ten (10) years and will further
111 be subject to court-ordered drug testing if the original offense
112 involved operating a motor vehicle under the influence of a drug
113 other than alcohol.

114 (b) When sentenced under Section 63-11-30(3) (Zero
115 Tolerance for Minors):

116 (i) For a first offense: one hundred twenty (120)
117 days;



118 (ii) For a second offense: one (1) year;
119 (iii) For a third offense occurring within five
120 (5) years, suspend or deny the driving privilege for two (2) years
121 or until the person reaches the age of twenty-one (21), whichever
122 is longer.

123 (6) **Suspensions.** (a) Notices of suspension given under
124 this section shall be in writing and conform to Section 63-1-52.

125 (b) Suspensions under this and any other chapter shall
126 run consecutively and not concurrently.

127 (c) The first day of any one-hundred-twenty-day
128 suspension shall begin to run:

129 (i) On the date ordered by the judge, and such
130 date shall not be less than thirty (30) days from the judge's
131 execution of the court order; or

132 (ii) On the date determined by the Department of
133 Public Safety where the court order is silent as to a beginning
134 date.

135 (7) **License reinstatement.** A person is eligible for an
136 unrestricted license when the person has completed an alcohol
137 safety education program as provided in Section 63-11-32, has
138 satisfied all other conditions of law and of the person's sentence
139 or nonadjudication, and is not otherwise barred from obtaining an
140 unrestricted license.



141 **SECTION 2.** Section 63-11-30, Mississippi Code of 1972, as
142 amended by Senate Bill No. 2095, 2022 Regular Session, is amended
143 as follows:

144 63-11-30. (1) It is unlawful for a person to drive or
145 otherwise operate a vehicle within this state if the person:

146 (a) Is under the influence of intoxicating liquor;

147 (b) Is under the influence of any other substance that
148 has impaired the person's ability to operate a motor vehicle;

149 (c) Is under the influence of any drug or controlled
150 substance, the possession of which is unlawful under the
151 Mississippi Controlled Substances Law; or

152 (d) Has an alcohol concentration in the person's blood,
153 based upon grams of alcohol per one hundred (100) milliliters of
154 blood, or grams of alcohol per two hundred ten (210) liters of
155 breath, as shown by a chemical analysis of the person's breath,
156 blood or urine administered as authorized by this chapter, of:

157 (i) Eight one-hundredths percent (.08%) or more
158 for a person who is above the legal age to purchase alcoholic
159 beverages under state law;

160 (ii) Two one-hundredths percent (.02%) or more for
161 a person who is below the legal age to purchase alcoholic
162 beverages under state law; or

163 (iii) Four one-hundredths percent (.04%) or more
164 for a person operating a commercial motor vehicle.



165 (2) Except as otherwise provided in subsection (3) of this
166 section (Zero Tolerance for Minors):

167 (a) **First offense DUI.** (i) Upon conviction of any
168 person for the first offense of violating subsection (1) of this
169 section where chemical tests under Section 63-11-5 were given, or
170 where chemical test results are not available, the person shall be
171 fined not less than Two Hundred Fifty Dollars (\$250.00) nor more
172 than One Thousand Dollars (\$1,000.00), or imprisoned for not more
173 than forty-eight (48) hours in jail, or both; the court shall
174 order the person to attend and complete an alcohol safety
175 education program as provided in Section 63-11-32 within six (6)
176 months of sentencing. The court may substitute attendance at a
177 victim impact panel instead of forty-eight (48) hours in jail.

178 (ii) Suspension of commercial driving privileges
179 is governed by Section 63-1-216.

180 (iii) A qualifying first offense may be
181 nonadjudicated by the court under subsection (14) of this section.
182 The holder of a commercial driver's license or a commercial
183 learning permit at the time of the offense is ineligible for
184 nonadjudication.

185 (iv) Eligibility for an interlock-restricted
186 license is governed by Section 63-11-31 and suspension of regular
187 driving privileges is governed by Section 63-11-23.

188 (b) **Second offense DUI.** (i) Upon any second
189 conviction of any person violating subsection (1) of this section,



190 the offenses being committed within a period of five (5) years,
191 the person shall be guilty of a misdemeanor, fined not less than
192 Six Hundred Dollars (\$600.00) nor more than One Thousand Five
193 Hundred Dollars (\$1,500.00), shall be imprisoned not less than
194 five (5) days nor more than six (6) months and sentenced to
195 community service work for not less than ten (10) days nor more
196 than six (6) months. The minimum penalties shall not be suspended
197 or reduced by the court and no prosecutor shall offer any
198 suspension or sentence reduction as part of a plea bargain.

199 (ii) Suspension of commercial driving privileges
200 is governed by Section 63-1-216.

201 (iii) Eligibility for an interlock-restricted
202 license is governed by Section 63-11-31 and suspension of regular
203 driving privileges is governed by Section 63-11-23.

204 (c) **Third offense DUI.** (i) For a third conviction of
205 a person for violating subsection (1) of this section, the
206 offenses being committed within a period of five (5) years, the
207 person shall be guilty of a felony and fined not less than Two
208 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars
209 (\$5,000.00), and shall serve not less than one (1) year nor more
210 than five (5) years in the custody of the Department of
211 Corrections. For any offense that does not result in serious
212 injury or death to any person, the sentence of incarceration may
213 be served in the county jail rather than in the State Penitentiary
214 at the discretion of the circuit court judge. The minimum



215 penalties shall not be suspended or reduced by the court and no
216 prosecutor shall offer any suspension or sentence reduction as
217 part of a plea bargain.

218 (ii) The suspension of commercial driving
219 privileges is governed by Section 63-1-216.

220 (iii) The suspension of regular driving privileges
221 is governed by Section 63-11-23.

222 (d) **Fourth and subsequent offense DUI.** (i) For any
223 fourth or subsequent conviction of a violation of subsection (1)
224 of this section, without regard to the time period within which
225 the violations occurred, the person shall be guilty of a felony
226 and fined not less than Three Thousand Dollars (\$3,000.00) nor
227 more than Ten Thousand Dollars (\$10,000.00), and shall serve not
228 less than two (2) years nor more than ten (10) years in the
229 custody of the Department of Corrections.

230 (ii) The suspension of commercial driving
231 privileges is governed by Section 63-1-216.

232 (iii) A person convicted of a fourth or subsequent
233 offense is ineligible to exercise the privilege to operate a motor
234 vehicle that is not equipped with an ignition-interlock device for
235 ten (10) years.

236 (e) Any person convicted of a second or subsequent
237 violation of subsection (1) of this section shall receive an
238 in-depth diagnostic assessment, and if as a result of the
239 assessment is determined to be in need of treatment for alcohol or



240 drug abuse, the person must successfully complete treatment at a
241 program site certified by the Department of Mental Health. Each
242 person who receives a diagnostic assessment shall pay a fee
243 representing the cost of the assessment. Each person who
244 participates in a treatment program shall pay a fee representing
245 the cost of treatment.

246 (f) The use of ignition-interlock devices is governed
247 by Section 63-11-31.

248 (3) **Zero Tolerance for Minors.** (a) This subsection shall
249 be known and may be cited as Zero Tolerance for Minors. The
250 provisions of this subsection shall apply only when a person under
251 the age of twenty-one (21) years has a blood alcohol concentration
252 of two one-hundredths percent (.02%) or more, but lower than eight
253 one-hundredths percent (.08%). If the person's blood alcohol
254 concentration is eight one-hundredths percent (.08%) or more, the
255 provisions of subsection (2) shall apply.

256 (b) (i) A person under the age of twenty-one (21) is
257 eligible for nonadjudication of a qualifying first offense by the
258 court pursuant to subsection (14) of this section.

259 (ii) Upon conviction of any person under the age
260 of twenty-one (21) years for the first offense of violating
261 subsection (1) of this section where chemical tests provided for
262 under Section 63-11-5 were given, or where chemical test results
263 are not available, the person shall be fined Two Hundred Fifty
264 Dollars (\$250.00); the court shall order the person to attend and



265 complete an alcohol safety education program as provided in
266 Section 63-11-32 within six (6) months. The court may also
267 require attendance at a victim impact panel.

268 (c) A person under the age of twenty-one (21) years who
269 is convicted of a second violation of subsection (1) of this
270 section, the offenses being committed within a period of five (5)
271 years, shall be fined not more than Five Hundred Dollars
272 (\$500.00).

273 (d) A person under the age of twenty-one (21) years who
274 is convicted of a third or subsequent violation of subsection (1)
275 of this section, the offenses being committed within a period of
276 five (5) years, shall be fined not more than One Thousand Dollars
277 (\$1,000.00).

278 (e) License suspension is governed by Section 63-11-23
279 and ignition interlock is governed by Section 63-11-31.

280 (f) Any person under the age of twenty-one (21) years
281 convicted of a third or subsequent violation of subsection (1) of
282 this section must complete treatment of an alcohol or drug abuse
283 program at a site certified by the Department of Mental Health.

284 (4) **DUI test refusal.** In addition to the other penalties
285 provided in this section, every person refusing a law enforcement
286 officer's request to submit to a chemical test of the person's
287 breath as provided in this chapter, or who was unconscious at the
288 time of a chemical test and refused to consent to the introduction
289 of the results of the test in any prosecution, shall suffer an



290 additional administrative suspension of driving privileges as set
291 forth in Section 63-11-23.

292 (5) **Aggravated DUI.** (a) Every person who operates any
293 motor vehicle in violation of the provisions of subsection (1) of
294 this section and who in a negligent manner causes the death of
295 another or mutilates, disfigures, permanently disables or destroys
296 the tongue, eye, lip, nose or any other limb, organ or member of
297 another shall, upon conviction, be guilty of a separate felony for
298 each victim who suffers death, mutilation, disfigurement or other
299 injury and shall be committed to the custody of the State
300 Department of Corrections for a period of time of not less than
301 five (5) years and not to exceed twenty-five (25) years for each
302 death, mutilation, disfigurement or other injury, and the
303 imprisonment for the second or each subsequent conviction, in the
304 discretion of the court, shall commence either at the termination
305 of the imprisonment for the preceding conviction or run
306 concurrently with the preceding conviction. Any person charged
307 with causing the death of another as described in this subsection
308 shall be required to post bail before being released after arrest.

309 (b) A holder of a commercial driver's license who is
310 convicted of operating a commercial motor vehicle with an alcohol
311 concentration of eight one- * * * hundredths percent (.08%) or more
312 shall be guilty of a felony and shall be committed to the custody
313 of the Department of Corrections for not less than two (2) years
314 and not more than ten (10) years.



315 (c) The court shall order an ignition-interlock
316 restriction on the offender's privilege to drive as a condition of
317 probation or post-release supervision not to exceed five (5) years
318 unless a longer restriction is required under other law. The
319 ignition-interlock restriction shall not be applied to commercial
320 license privileges until the driver serves the full
321 disqualification period required by Section 63-1-216.

322 (6) **DUI citations.** (a) Upon conviction of a violation of
323 subsection (1) of this section, the trial judge shall sign in the
324 place provided on the traffic ticket, citation or affidavit
325 stating that the person arrested either employed an attorney or
326 waived his right to an attorney after having been properly
327 advised. If the person arrested employed an attorney, the name,
328 address and telephone number of the attorney shall be written on
329 the ticket, citation or affidavit. The court clerk must
330 immediately send a copy of the traffic ticket, citation or
331 affidavit, and any other pertinent documents concerning the
332 conviction or other order of the court, to the Department of
333 Public Safety as provided in Section 63-11-37.

334 (b) A copy of the traffic ticket, citation or affidavit
335 and any other pertinent documents, having been attested as true
336 and correct by the Commissioner of Public Safety, or his designee,
337 shall be sufficient proof of the conviction for purposes of
338 determining the enhanced penalty for any subsequent convictions of
339 violations of subsection (1) of this section. The Department of



340 Public Safety shall maintain a central database for verification
341 of prior offenses and convictions.

342 (7) **Out-of-state prior convictions.** Convictions in another
343 state, territory or possession of the United States, or under the
344 law of a federally recognized Native American tribe, of violations
345 for driving or operating a vehicle while under the influence of an
346 intoxicating liquor or while under the influence of any other
347 substance that has impaired the person's ability to operate a
348 motor vehicle occurring within five (5) years before an offense
349 shall be counted for the purposes of determining if a violation of
350 subsection (1) of this section is a second, third, fourth or
351 subsequent offense and the penalty that shall be imposed upon
352 conviction for a violation of subsection (1) of this section.

353 (8) **Charging of subsequent offenses.** (a) For the purposes
354 of determining how to impose the sentence for a second, third,
355 fourth or subsequent conviction under this section, the affidavit
356 or indictment shall not be required to enumerate previous
357 convictions. It shall only be necessary that the affidavit or
358 indictment states the number of times that the defendant has been
359 convicted and sentenced within the past five (5) years for a
360 second or third offense, or without a time limitation for a fourth
361 or subsequent offense, under this section to determine if an
362 enhanced penalty shall be imposed. The amount of fine and
363 imprisonment imposed in previous convictions shall not be



364 considered in calculating offenses to determine a second, third,
365 fourth or subsequent offense of this section.

366 (b) Before a defendant enters a plea of guilty to an
367 offense under this section, law enforcement must submit
368 certification to the prosecutor that the defendant's driving
369 record, the confidential registry and National Crime Information
370 Center record have been searched for all prior convictions,
371 nonadjudications, pretrial diversions and arrests for driving or
372 operating a vehicle while under the influence of an intoxicating
373 liquor or while under the influence of any other substance that
374 has impaired the person's ability to operate a motor vehicle. The
375 results of the search must be included in the certification.

376 (9) **License eligibility for underage offenders.** A person
377 who is under the legal age to obtain a license to operate a motor
378 vehicle at the time of the offense and who is convicted under this
379 section shall not be eligible to receive a driver's license until
380 the person reaches the age of eighteen (18) years.

381 (10) **License suspensions and restrictions to run**
382 **consecutively.** Suspension or restriction of driving privileges
383 for any person convicted of or nonadjudicated for violations of
384 subsection (1) of this section shall run consecutively to and not
385 concurrently with any other administrative license suspension.

386 (11) **Ignition interlock.** If the court orders installation
387 and use of an ignition-interlock device as provided in Section
388 63-11-31 for every vehicle operated by a person convicted or



389 nonadjudicated under this section, each device shall be installed,
390 maintained and removed as provided in Section 63-11-31.

391 (12) **DUI child endangerment.** A person over the age of
392 twenty-one (21) who violates subsection (1) of this section while
393 transporting in a motor vehicle a child under the age of sixteen
394 (16) years is guilty of the separate offense of endangering a
395 child by driving under the influence of alcohol or any other
396 substance which has impaired the person's ability to operate a
397 motor vehicle. The offense of endangering a child by driving
398 under the influence of alcohol or any other substance which has
399 impaired the person's ability to operate a motor vehicle shall not
400 be merged with an offense of violating subsection (1) of this
401 section for the purposes of prosecution and sentencing. An
402 offender who is convicted of a violation of this subsection shall
403 be punished as follows:

404 (a) A person who commits a violation of this subsection
405 which does not result in the serious injury or death of a child
406 and which is a first conviction shall be guilty of a misdemeanor
407 and, upon conviction, shall be fined not more than One Thousand
408 Dollars (\$1,000.00) or shall be imprisoned for not more than
409 twelve (12) months, or both;

410 (b) A person who commits a violation of this subsection
411 which does not result in the serious injury or death of a child
412 and which is a second conviction shall be guilty of a misdemeanor
413 and, upon conviction, shall be fined not less than One Thousand



414 Dollars (\$1,000.00) nor more than Five Thousand Dollars
415 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

416 (c) A person who commits a violation of this subsection
417 which does not result in the serious injury or death of a child
418 and which is a third or subsequent conviction shall be guilty of a
419 felony and, upon conviction, shall be fined not less than Ten
420 Thousand Dollars (\$10,000.00) or shall be imprisoned for not less
421 than one (1) year nor more than five (5) years, or both; and

422 (d) A person who commits a violation of this subsection
423 which results in the serious injury or death of a child, without
424 regard to whether the offense was a first, second, third or
425 subsequent offense, shall be guilty of a felony and, upon
426 conviction, shall be punished by a fine of not less than Ten
427 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less
428 than five (5) years nor more than twenty-five (25) years.

429 (13) **Expunction.** (a) Any person convicted under subsection
430 (2) or (3) of this section of a first offense of driving under the
431 influence and who was not the holder of a commercial driver's
432 license or a commercial learning permit at the time of the offense
433 may petition the circuit court of the county in which the
434 conviction was had for an order to expunge the record of the
435 conviction at least five (5) years after successful completion of
436 all terms and conditions of the sentence imposed for the
437 conviction. Expunction under this subsection will only be
438 available to a person:



439 (i) Who has successfully completed all terms and
440 conditions of the sentence imposed for the conviction;

441 (ii) Who did not refuse to submit to a test of his
442 blood or breath;

443 (iii) Whose blood alcohol concentration tested
444 below sixteen one-hundredths percent (.16%) if test results are
445 available;

446 (iv) Who has not been convicted of and does not
447 have pending any other offense of driving under the influence;

448 (v) Who has provided the court with justification
449 as to why the conviction should be expunged; and

450 (vi) Who has not previously had a nonadjudication
451 or expunction of a violation of this section.

452 (b) A person is eligible for only one (1) expunction
453 under this subsection, and the Department of Public Safety shall
454 maintain a permanent confidential registry of all cases of
455 expunction under this subsection for the sole purpose of
456 determining a person's eligibility for expunction, for
457 nonadjudication, or as a first offender under this section.

458 (c) The court in its order of expunction shall state in
459 writing the justification for which the expunction was granted and
460 forward the order to the Department of Public Safety within five
461 (5) days of the entry of the order.

462 (14) **Nonadjudication.** (a) For the purposes of this
463 chapter, "nonadjudication" means that the court withholds



464 adjudication of guilt and sentencing, either at the conclusion of
465 a trial on the merits or upon the entry of a plea of guilt by a
466 defendant, and places the defendant in a nonadjudication program
467 conditioned upon the successful completion of the requirements
468 imposed by the court under this subsection.

469 (b) A person is eligible for nonadjudication of an
470 offense under this Section 63-11-30 only one (1) time under any
471 provision of a law that authorizes nonadjudication and only for an
472 offender:

473 (i) Who has successfully completed all terms and
474 conditions imposed by the court after placement of the defendant
475 in a nonadjudication program;

476 (ii) Who was not the holder of a commercial
477 driver's license or a commercial learning permit at the time of
478 the offense;

479 (iii) Who has not previously been convicted of and
480 does not have pending any former or subsequent charges under this
481 section; and

482 (iv) Who has provided the court with justification
483 as to why nonadjudication is appropriate.

484 (c) Nonadjudication may be initiated upon the filing of
485 a petition for nonadjudication or at any stage of the proceedings
486 in the discretion of the court; the court may withhold
487 adjudication of guilt, defer sentencing, and upon the agreement of
488 the offender to participate in a nonadjudication program, enter an



489 order imposing requirements on the offender for a period of court
490 supervision before the order of nonadjudication is entered.
491 Failure to successfully complete a nonadjudication program
492 subjects the person to adjudication of the charges against him and
493 to imposition of all penalties previously withheld due to entrance
494 into a nonadjudication program. The court shall immediately
495 inform the commissioner of the conviction as required in Section
496 63-11-37.

497 (i) The court shall order the person to:

498 1. Pay the nonadjudication fee imposed under
499 Section 63-11-31 if applicable;

500 2. Pay all fines, penalties and assessments
501 that would have been imposed for conviction;

502 3. Attend and complete an alcohol safety
503 education program as provided in Section 63-11-32 within six (6)
504 months of the date of the order;

505 4. a. If the court determines that the
506 person violated this section with respect to alcohol or
507 intoxicating liquor, the person must install an ignition-interlock
508 device on every motor vehicle operated by the person, obtain an
509 interlock-restricted license, and maintain that license for one
510 hundred twenty (120) days or suffer a one-hundred-twenty-day
511 suspension of the person's regular driver's license, during which
512 time the person must not operate any vehicle. For purposes of



513 this item 4, the first day of the one-hundred-twenty-day
514 suspension shall begin to run:

515 A. On the date ordered by the
516 judge, and such date shall not be less than thirty (30) days from
517 the judge's execution of the court order; or

518 B. On the date determined by the
519 Department of Public Safety where the court order is silent as to
520 a beginning date.

521 b. If the court determines that the
522 person violated this section by operating a vehicle when under the
523 influence of a substance other than alcohol that has impaired the
524 person's ability to operate a motor vehicle, including any drug or
525 controlled substance which is unlawful to possess under the
526 Mississippi Controlled Substances Law, the person must submit to a
527 one-hundred-twenty-day period of a nonadjudication program that
528 includes court-ordered drug testing at the person's own expense
529 not less often than every thirty (30) days, during which time the
530 person may drive if compliant with the terms of the program, or
531 suffer a one-hundred-twenty-day suspension of the person's regular
532 driver's license, during which time the person will not operate
533 any vehicle.

534 (ii) Other conditions that may be imposed by the
535 court include, but are not limited to, alcohol or drug screening,
536 or both, proof that the person has not committed any other traffic
537 violations while under court supervision, proof of immobilization



538 or impoundment of vehicles owned by the offender if required, and
539 attendance at a victim-impact panel.

540 (d) The court may enter an order of nonadjudication
541 only if the court finds, after a hearing or after ex parte
542 examination of reliable documentation of compliance, that the
543 offender has successfully completed all conditions imposed by law
544 and previous orders of the court. The court shall retain
545 jurisdiction over cases involving nonadjudication for a period of
546 not more than two (2) years.

547 (e) (i) The clerk shall immediately forward a record
548 of every person placed in a nonadjudication program and of every
549 nonadjudication order to the Department of Public Safety for
550 inclusion in the permanent confidential registry of all cases that
551 are nonadjudicated under this subsection (14).

552 (ii) Judges, clerks and prosecutors involved in
553 the trial of implied consent violations and law enforcement
554 officers involved in the issuance of citations for implied consent
555 violations shall have secure online access to the confidential
556 registry for the purpose of determining whether a person has
557 previously been the subject of a nonadjudicated case and 1. is
558 therefore ineligible for another nonadjudication; 2. is ineligible
559 as a first offender for a violation of this section; or 3. is
560 ineligible for expunction of a conviction of a violation of this
561 section.



562 (iii) The Driver Services Bureau of the department
563 shall have access to the confidential registry for the purpose of
564 determining whether a person is eligible for a form of license not
565 restricted to operating a vehicle equipped with an
566 ignition-interlock device.

567 (iv) The Mississippi Alcohol Safety Education
568 Program shall have secure online access to the confidential
569 registry for research purposes only.

570 (15) The provisions of this section are fully applicable to
571 any person who is under the influence of medical cannabis that is
572 lawful under the Mississippi Medical Cannabis Act and in
573 compliance with rules and regulations adopted thereunder which has
574 impaired the person's ability to operate a motor vehicle.

575 **SECTION 3.** This act shall take effect and be in force from
576 and after July 1, 2022.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 63-11-23, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE 120-DAY SUSPENSION FOR DUI VIOLATIONS BEGINS
3 ON THE DATE ORDERED BY THE JUDGE; TO AMEND SECTION 63-11-30,
4 MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2095, 2022
5 REGULAR SESSION, TO PROVIDE THAT THE 120-DAY SUSPENSION FOR DUI
6 VIOLATIONS BEGINS ON THE DATE ORDERED BY THE JUDGE; AND FOR
7 RELATED PURPOSES.

