

By: Representative Newman

To: Transportation;
Judiciary B

HOUSE BILL NO. 41

1 AN ACT TO AMEND SECTION 63-3-519, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE SHERIFF OF RANKIN COUNTY, MISSISSIPPI, AND HIS
3 DEPUTIES TO USE RADAR SPEED DETECTION EQUIPMENT UPON THE PUBLIC
4 STREETS, ROADS AND HIGHWAYS OF THE COUNTY LYING OUTSIDE OF THE
5 LIMITS OF ANY INCORPORATED AREAS WITHIN THE COUNTY; TO PROVIDE
6 THAT SUCH AUTHORITY SHALL BE SUBJECT TO APPROVAL BY THE QUALIFIED
7 ELECTORS OF THE COUNTY UPON A REFERENDUM HELD ON THE QUESTION OF
8 THE UTILIZATION OF SUCH EQUIPMENT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 63-3-519, Mississippi Code of 1972, is
11 amended as follows:

12 63-3-519. (1) It shall be unlawful for any person or peace
13 officer or law enforcement agency, except the Mississippi Highway
14 Safety Patrol, to purchase or use or allow to be used any type of
15 radar speed detection equipment upon any public street, road or
16 highway of this state. However, such equipment may be used:

17 (a) By municipal law enforcement officers within a
18 municipality having a population of two thousand (2,000) or more,
19 according to the latest federal decennial census, according to the
20 latest or a previous federal census upon the public streets of the
21 municipality, but in no case where the latest federal census



22 population for the municipality is less than one thousand five
23 hundred (1,500);

24 (b) By any college or university campus police force
25 within the confines of any campus wherein more than two thousand
26 (2,000) students are enrolled;

27 (c) By municipal law enforcement officers in any
28 municipality having a population in excess of fifteen thousand
29 (15,000) according to the latest federal decennial census on
30 federally designated highways lying within the corporate
31 limits * * *; or

32 (d) Subject to the provisions of subsection (2) of this
33 section, by the sheriff of Rankin County and his deputies of any
34 county on any public road, street or highway under the
35 jurisdiction of the county, which road, street or highway is
36 located outside the corporate limits of the municipality.

37 (2) (a) The board of supervisors of Rankin County, in its
38 discretion, by order duly adopted and entered upon its minutes,
39 may authorize the use of radar speed detection devices by the
40 sheriff and his deputies on county roads, streets and highways as
41 described under paragraph (1)(d) of this section. However, before
42 such order may become effective, the question of whether or not
43 the sheriff and his deputies may use radar speed detection devices
44 on the county roads must be submitted to and approved by a vote of
45 the qualified electors of the county. The question may be
46 submitted at a regularly scheduled election or at a special



47 election to be held for such purpose throughout the county. The
48 election shall be held and conducted by the county election
49 commissioners on a date fixed by the order of the board of
50 supervisors. Notice of the election must be given by publishing
51 the notice once each week for at least three (3) consecutive weeks
52 in some newspaper published in the county or, if no newspaper be
53 published therein, by publishing the notice in a newspaper in an
54 adjoining county having a general circulation in the county
55 involved. The election may be held not earlier than seven (7)
56 days from the last publication of the notice and shall be held and
57 conducted, as far as practicable, in the same manner as is
58 provided by law for the holding of general elections. The ballots
59 used at the election must contain a brief statement of the
60 proposition submitted and, on separate lines, the words "I vote
61 FOR the authority of the sheriff and his deputies to use radar
62 speed detection devices on county roads (✓)" "I vote AGAINST the
63 authority of the sheriff and his deputies to use radar speed
64 detection devices on county roads (X)" with appropriate boxes in
65 which the voters may express their choice.

66 (b) The election commissioners shall canvass and
67 determine the results of the election, and shall certify the
68 results to the board of supervisors which shall adopt and spread
69 upon its minutes an order declaring the results. If, in such
70 election, a majority of the qualified electors participating
71 therein shall vote in favor of the proposition, then the order



72 adopted by the board of supervisors authorizing the sheriff and
73 his deputies to use radar speed detection devices on county roads,
74 streets and highways outside the corporate limits of a
75 municipality shall become effective on the date set forth in the
76 order. If, on the other hand, a majority of the qualified
77 electors participating in the election vote against the
78 proposition, then the provisions of paragraph (1)(d) of this
79 section shall not be applicable in such county.

80 (3) The Mississippi Highway Safety Patrol shall be
81 immediately notified by municipal law enforcement of any road
82 blockages or emergencies occurring on any federally designated
83 limited-access highways lying within the corporate limits.

84 **SECTION 2.** This act shall take effect and be in force from
85 and after July 1, 2023.

