

By: Senator(s) Blackwell

To: Judiciary, Division B

SENATE BILL NO. 2297

1 AN ACT TO AMEND SECTION 63-11-19, MISSISSIPPI CODE OF 1972,  
 2 TO REQUIRE THE MISSISSIPPI FORENSICS LABORATORY TO APPROVE FOR USE  
 3 AT LEAST ONE MODEL OF INTOXILYZER EQUIPMENT THAT IS READILY  
 4 AVAILABLE TO LAW ENFORCEMENT AGENCIES THROUGHOUT THE STATE; TO  
 5 BRING FORWARD SECTION 63-11-47, MISSISSIPPI CODE OF 1972, WHICH  
 6 REQUIRES THE COMMISSIONER OF PUBLIC SAFETY TO DETERMINE THE  
 7 EQUIPMENT AND SUPPLIES ADEQUATE AND NECESSARY FOR THE  
 8 ADMINISTRATION OF THE IMPLIED CONSENT LAW, FOR PURPOSES OF  
 9 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 63-11-19, Mississippi Code of 1972, is  
 12 amended as follows:

13 63-11-19. A chemical analysis of the person's breath, blood  
 14 or urine, to be considered valid under the provisions of this  
 15 section, shall have been performed according to methods approved  
 16 by the Mississippi Forensics Laboratory created pursuant to  
 17 Section 45-1-17 and the Commissioner of Public Safety and  
 18 performed by an individual possessing a valid permit issued by the  
 19 Mississippi Forensics Laboratory for making such analysis. The  
 20 Mississippi Forensics Laboratory and the Commissioner of Public  
 21 Safety are authorized to approve satisfactory techniques or



22 methods, to ascertain the qualifications and competence of  
23 individuals to conduct such analyses, and to issue permits which  
24 shall be subject to termination or revocation at the discretion of  
25 the Mississippi Forensics Laboratory. The Mississippi Forensics  
26 Laboratory shall not approve the permit required herein for any  
27 law enforcement officer other than a member of the State Highway  
28 Patrol, a sheriff or his deputies, a city policeman, an officer of  
29 a state-supported institution of higher learning campus police  
30 force, a security officer appointed and commissioned pursuant to  
31 the Pearl River Valley Water Supply District Security Officer Law  
32 of 1978, a national park ranger, a national park ranger  
33 technician, a military policeman stationed at a United States  
34 military base located within this state other than a military  
35 policeman of the Army or Air National Guard or of Reserve Units of  
36 the Army, Air Force, Navy or Marine Corps, a marine law  
37 enforcement officer employed by the Department of Marine  
38 Resources, or a conservation officer employed by the Mississippi  
39 Department of Wildlife, Fisheries and Parks. The permit given a  
40 marine law enforcement officer shall authorize such officer to  
41 administer tests only for violations of Sections 59-23-1 through  
42 59-23-7. The permit given a conservation officer shall authorize  
43 such officer to administer tests only for violations of Sections  
44 59-23-1 through 59-23-7 and for hunting related incidents  
45 resulting in injury or death to any person by discharge of a  
46 weapon as provided under Section 49-4-31.



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

52           Without compromising accepted law enforcement standards and  
53 methodologies, the Mississippi Forensics Laboratory shall approve  
54 for use at least one model of intoxilyzer equipment that is  
55 readily available to law enforcement agencies throughout the  
56 state.

57           **SECTION 2.** Section 63-11-47, Mississippi Code of 1972, is  
58 brought forward as follows:

59           63-11-47. The Commissioner of Public Safety, acting in  
60 concert with the Mississippi Forensics Laboratory created pursuant  
61 to Section 45-1-17, is hereby expressly authorized and directed to  
62 determine the equipment and supplies which are adequate and  
63 necessary from both a medical and law enforcement standpoint for  
64 administration of this chapter. The Commissioner of Public  
65 Safety, upon receiving such recommendation from the Mississippi  
66 Forensics Laboratory, shall recommend an equipment standard for  
67 such equipment to the Department of Finance and Administration.  
68 The Department of Finance and Administration, using such a uniform  
69 standard for said equipment, shall advertise its intention of  
70 purchasing said equipment by one (1) publication in at least one  
71 (1) newspaper having general circulation in the State of



72 Mississippi at least ten (10) days before the purchase of such  
73 equipment and supplies, and the advertisement shall clearly and  
74 distinctly describe the articles to be purchased, and shall  
75 receive sealed bids thereon which shall be opened in public at a  
76 time and place to be specified in the advertisement.

77         The Department of Finance and Administration shall accept the  
78 lowest and best bid for said equipment and supplies; in its  
79 discretion, it may reject any and all bids submitted. The lowest  
80 and best bid for said equipment and supplies accepted by the  
81 Department of Finance and Administration shall be the  
82 state-approved price of said equipment for purchase by the state,  
83 county and city governments.

84         Title to all such testing equipment in the state purchased  
85 hereunder shall remain in the Commissioner of Public Safety  
86 regardless of what entity pays the purchase price.

87         The state, counties and municipalities may purchase in the  
88 name of the Commissioner of Public Safety such equipment and  
89 supplies from other vendors of said equipment and supplies  
90 necessary to implement this chapter, provided they purchase of the  
91 same quality and standard as certified to the Department of  
92 Finance and Administration and approved by the department.  
93 However, such equipment and supplies shall not be purchased by the  
94 state, counties and municipalities unless it is at a price  
95 equivalent to or lower than that approved by the Department of



96 Finance and Administration, pursuant to the bid procedure as  
97 outlined herein.

98         **SECTION 3.** This act shall take effect and be in force from  
99 and after July 1, 2023.

