

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.

