

By: Representatives Horan, Mickens

To: Judiciary B

HOUSE BILL NO. 1252

1 AN ACT TO AMEND SECTION 99-15-26, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE NONADJUDICATION FOR FELONY VIOLATIONS OF THE IMPLIED  
3 CONSENT LAWS UNDER CERTAIN CONDITIONS; TO BRING FORWARD SECTION  
4 63-11-30, MISSISSIPPI CODE OF 1972, WHICH REGULATES IMPLIED  
5 CONSENT LAWS, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 99-15-26, Mississippi Code of 1972, is  
8 amended as follows:

9 99-15-26. (1) (a) In all criminal cases, felony and  
10 misdemeanor, other than crimes against the person, a crime of  
11 violence as defined in Section 97-3-2, a violation of Section  
12 97-11-31, or crimes in which a person unlawfully takes, obtains or  
13 misappropriates funds received by or entrusted to the person by  
14 virtue of his or her public office or employment, the circuit or  
15 county court shall be empowered, upon the entry of a plea of  
16 guilty by a criminal defendant made on or after July 1, 2014, to  
17 withhold acceptance of the plea and sentence thereon pending  
18 successful completion of such conditions as may be imposed by the  
19 court pursuant to subsection (2) of this section.



20 (b) In all misdemeanor criminal cases, other than  
21 crimes against the person, the justice or municipal court shall be  
22 empowered, upon the entry of a plea of guilty by a criminal  
23 defendant, to withhold acceptance of the plea and sentence thereon  
24 pending successful completion of such conditions as may be imposed  
25 by the court pursuant to subsection (2) of this section.

26 (c) Notwithstanding paragraph (a) of this subsection  
27 (1), in all criminal cases charging a misdemeanor of domestic  
28 violence as defined in Section 99-3-7(5), a circuit, county,  
29 justice or municipal court shall be empowered, upon the entry of a  
30 plea of guilty by the criminal defendant, to withhold acceptance  
31 of the plea and sentence thereon pending successful completion of  
32 such conditions as may be imposed by the court pursuant to  
33 subsection (2) of this section.

34 (d) No person having previously qualified under the  
35 provisions of this section shall be eligible to qualify for  
36 release in accordance with this section for a repeat offense. A  
37 person shall not be eligible to qualify for release in accordance  
38 with this section if charged with the offense of trafficking of a  
39 controlled substance as provided in Section 41-29-139(f) or if  
40 charged with \* \* \* a misdemeanor offense under the Mississippi  
41 Implied Consent Law. Misdemeanor violations under the Mississippi  
42 Implied Consent Law can only be nonadjudicated under the  
43 provisions of Section 63-11-30. Felony violations of the  
44 Mississippi Implied Consent Law can be nonadjudicated under this



45 section only if successful completion of an intervention court  
46 certified by the Mississippi Administrative Office of Courts is a  
47 court imposed condition of the nonadjudication.

48 (2) (a) Conditions which the circuit, county, justice or  
49 municipal court may impose under subsection (1) of this section  
50 shall consist of:

51 (i) Reasonable restitution to the victim of the  
52 crime.

53 (ii) Performance of not more than nine hundred  
54 sixty (960) hours of public service work approved by the court.

55 (iii) Payment of a fine not to exceed the  
56 statutory limit.

57 (iv) Successful completion of drug, alcohol,  
58 psychological or psychiatric treatment, successful completion of a  
59 program designed to bring about the cessation of domestic abuse,  
60 or any combination thereof, if the court deems treatment  
61 necessary.

62 (v) The circuit or county court, in its  
63 discretion, may require the defendant to remain in the program  
64 subject to good behavior for a period of time not to exceed five  
65 (5) years. The justice or municipal court, in its discretion, may  
66 require the defendant to remain in the program subject to good  
67 behavior for a period of time not to exceed two (2) years.

68 (b) Conditions which the circuit or county court may  
69 impose under subsection (1) of this section also include



70 successful completion of an effective evidence-based program or a  
71 properly controlled pilot study designed to contribute to the  
72 evidence-based research literature on programs targeted at  
73 reducing recidivism. Such program or pilot study may be community  
74 based or institutionally based and should address risk factors  
75 identified in a formal assessment of the offender's risks and  
76 needs.

77 (3) When the court has imposed upon the defendant the  
78 conditions set out in this section, the court shall release the  
79 bail bond, if any.

80 (4) Upon successful completion of the court-imposed  
81 conditions permitted by subsection (2) of this section, the court  
82 shall direct that the cause be dismissed and the case be closed.

83 (5) Upon petition therefor, the court shall expunge the  
84 record of any case in which an arrest was made, the person  
85 arrested was released and the case was dismissed or the charges  
86 were dropped, there was no disposition of such case, or the person  
87 was found not guilty at trial.

88 **SECTION 2.** Section 63-11-30, Mississippi Code of 1972, is  
89 brought forward as follows:

90 63-11-30. (1) It is unlawful for a person to drive or  
91 otherwise operate a vehicle within this state if the person:

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

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



95 (c) Is under the influence of any drug or controlled  
96 substance, the possession of which is unlawful under the  
97 Mississippi Controlled Substances Law; or

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

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

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

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

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

113 (a) **First offense DUI.** (i) Upon conviction of any  
114 person for the first offense of violating subsection (1) of this  
115 section where chemical tests under Section 63-11-5 were given, or  
116 where chemical test results are not available, the person shall be  
117 fined not less than Two Hundred Fifty Dollars (\$250.00) nor more  
118 than One Thousand Dollars (\$1,000.00), or imprisoned for not more  
119 than forty-eight (48) hours in jail, or both; the court shall



120 order the person to attend and complete an alcohol safety  
121 education program as provided in Section 63-11-32 within six (6)  
122 months of sentencing. The court may substitute attendance at a  
123 victim impact panel instead of forty-eight (48) hours in jail.

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

126 (iii) A qualifying first offense may be  
127 nonadjudicated by the court under subsection (14) of this section.  
128 The holder of a commercial driver's license or a commercial  
129 learning permit at the time of the offense is ineligible for  
130 nonadjudication.

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

134 (b) **Second offense DUI.** (i) Upon any second  
135 conviction of any person violating subsection (1) of this section,  
136 the offenses being committed within a period of five (5) years,  
137 the person shall be guilty of a misdemeanor, fined not less than  
138 Six Hundred Dollars (\$600.00) nor more than One Thousand Five  
139 Hundred Dollars (\$1,500.00), shall be imprisoned not less than  
140 five (5) days nor more than six (6) months and sentenced to  
141 community service work for not less than ten (10) days nor more  
142 than six (6) months. The minimum penalties shall not be suspended  
143 or reduced by the court and no prosecutor shall offer any  
144 suspension or sentence reduction as part of a plea bargain.



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

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

150                   (c) **Third offense DUI.** (i) For a third conviction of  
151 a person for violating subsection (1) of this section, the  
152 offenses being committed within a period of five (5) years, the  
153 person shall be guilty of a felony and fined not less than Two  
154 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars  
155 (\$5,000.00), and shall serve not less than one (1) year nor more  
156 than five (5) years in the custody of the Department of  
157 Corrections. For any offense that does not result in serious  
158 injury or death to any person, the sentence of incarceration may  
159 be served in the county jail rather than in the State Penitentiary  
160 at the discretion of the circuit court judge. The minimum  
161 penalties shall not be suspended or reduced by the court and no  
162 prosecutor shall offer any suspension or sentence reduction as  
163 part of a plea bargain.

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

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

168                   (d) **Fourth and subsequent offense DUI.** (i) For any  
169 fourth or subsequent conviction of a violation of subsection (1)



170 of this section, without regard to the time period within which  
171 the violations occurred, the person shall be guilty of a felony  
172 and fined not less than Three Thousand Dollars (\$3,000.00) nor  
173 more than Ten Thousand Dollars (\$10,000.00), and shall serve not  
174 less than two (2) years nor more than ten (10) years in the  
175 custody of the Department of Corrections.

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

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

182 (e) Any person convicted of a second or subsequent  
183 violation of subsection (1) of this section shall receive an  
184 in-depth diagnostic assessment, and if as a result of the  
185 assessment is determined to be in need of treatment for alcohol or  
186 drug abuse, the person must successfully complete treatment at a  
187 program site certified by the Department of Mental Health. Each  
188 person who receives a diagnostic assessment shall pay a fee  
189 representing the cost of the assessment. Each person who  
190 participates in a treatment program shall pay a fee representing  
191 the cost of treatment.

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





194           (3) **Zero Tolerance for Minors.** (a) This subsection shall  
195 be known and may be cited as Zero Tolerance for Minors. The  
196 provisions of this subsection shall apply only when a person under  
197 the age of twenty-one (21) years has a blood alcohol concentration  
198 of two one-hundredths percent (.02%) or more, but lower than eight  
199 one-hundredths percent (.08%). If the person's blood alcohol  
200 concentration is eight one-hundredths percent (.08%) or more, the  
201 provisions of subsection (2) shall apply.

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

205                           (ii) Upon conviction of any person under the age  
206 of twenty-one (21) years for the first offense of violating  
207 subsection (1) of this section where chemical tests provided for  
208 under Section 63-11-5 were given, or where chemical test results  
209 are not available, the person shall be fined Two Hundred Fifty  
210 Dollars (\$250.00); the court shall order the person to attend and  
211 complete an alcohol safety education program as provided in  
212 Section 63-11-32 within six (6) months. The court may also  
213 require attendance at a victim impact panel.

214                   (c) A person under the age of twenty-one (21) years who  
215 is convicted of a second violation of subsection (1) of this  
216 section, the offenses being committed within a period of five (5)  
217 years, shall be fined not more than Five Hundred Dollars  
218 (\$500.00).



219 (d) A person under the age of twenty-one (21) years who  
220 is convicted of a third or subsequent violation of subsection (1)  
221 of this section, the offenses being committed within a period of  
222 five (5) years, shall be fined not more than One Thousand Dollars  
223 (\$1,000.00).

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

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

230 (4) **DUI test refusal.** In addition to the other penalties  
231 provided in this section, every person refusing a law enforcement  
232 officer's request to submit to a chemical test of the person's  
233 breath as provided in this chapter, or who was unconscious at the  
234 time of a chemical test and refused to consent to the introduction  
235 of the results of the test in any prosecution, shall suffer an  
236 additional administrative suspension of driving privileges as set  
237 forth in Section 63-11-23.

238 (5) **Aggravated DUI.** (a) Every person who operates any  
239 motor vehicle in violation of the provisions of subsection (1) of  
240 this section and who in a negligent manner causes the death of  
241 another or mutilates, disfigures, permanently disables or destroys  
242 the tongue, eye, lip, nose or any other limb, organ or member of  
243 another shall, upon conviction, be guilty of a separate felony for



244 each victim who suffers death, mutilation, disfigurement or other  
245 injury and shall be committed to the custody of the State  
246 Department of Corrections for a period of time of not less than  
247 five (5) years and not to exceed twenty-five (25) years for each  
248 death, mutilation, disfigurement or other injury, and the  
249 imprisonment for the second or each subsequent conviction, in the  
250 discretion of the court, shall commence either at the termination  
251 of the imprisonment for the preceding conviction or run  
252 concurrently with the preceding conviction. Any person charged  
253 with causing the death of another as described in this subsection  
254 shall be required to post bail before being released after arrest.

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

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



268           (6) **DUI citations.** (a) Upon conviction of a violation of  
269 subsection (1) of this section, the trial judge shall sign in the  
270 place provided on the traffic ticket, citation or affidavit  
271 stating that the person arrested either employed an attorney or  
272 waived his right to an attorney after having been properly  
273 advised. If the person arrested employed an attorney, the name,  
274 address and telephone number of the attorney shall be written on  
275 the ticket, citation or affidavit. The court clerk must  
276 immediately send a copy of the traffic ticket, citation or  
277 affidavit, and any other pertinent documents concerning the  
278 conviction or other order of the court, to the Department of  
279 Public Safety as provided in Section 63-11-37.

280           (b) A copy of the traffic ticket, citation or affidavit  
281 and any other pertinent documents, having been attested as true  
282 and correct by the Commissioner of Public Safety, or his designee,  
283 shall be sufficient proof of the conviction for purposes of  
284 determining the enhanced penalty for any subsequent convictions of  
285 violations of subsection (1) of this section. The Department of  
286 Public Safety shall maintain a central database for verification  
287 of prior offenses and convictions.

288           (7) **Out-of-state prior convictions.** Convictions in another  
289 state, territory or possession of the United States, or under the  
290 law of a federally recognized Native American tribe, of violations  
291 for driving or operating a vehicle while under the influence of an  
292 intoxicating liquor or while under the influence of any other



293 substance that has impaired the person's ability to operate a  
294 motor vehicle occurring within five (5) years before an offense  
295 shall be counted for the purposes of determining if a violation of  
296 subsection (1) of this section is a second, third, fourth or  
297 subsequent offense and the penalty that shall be imposed upon  
298 conviction for a violation of subsection (1) of this section.

299       (8) **Charging of subsequent offenses.** (a) For the purposes  
300 of determining how to impose the sentence for a second, third,  
301 fourth or subsequent conviction under this section, the affidavit  
302 or indictment shall not be required to enumerate previous  
303 convictions. It shall only be necessary that the affidavit or  
304 indictment states the number of times that the defendant has been  
305 convicted and sentenced within the past five (5) years for a  
306 second or third offense, or without a time limitation for a fourth  
307 or subsequent offense, under this section to determine if an  
308 enhanced penalty shall be imposed. The amount of fine and  
309 imprisonment imposed in previous convictions shall not be  
310 considered in calculating offenses to determine a second, third,  
311 fourth or subsequent offense of this section.

312       (b) Before a defendant enters a plea of guilty to an  
313 offense under this section, law enforcement must submit  
314 certification to the prosecutor that the defendant's driving  
315 record, the confidential registry and National Crime Information  
316 Center record have been searched for all prior convictions,  
317 nonadjudications, pretrial diversions and arrests for driving or



318 operating a vehicle while under the influence of an intoxicating  
319 liquor or while under the influence of any other substance that  
320 has impaired the person's ability to operate a motor vehicle. The  
321 results of the search must be included in the certification.

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

327 (10) **License suspensions and restrictions to run**  
328 **consecutively.** Suspension or restriction of driving privileges  
329 for any person convicted of or nonadjudicated for violations of  
330 subsection (1) of this section shall run consecutively to and not  
331 concurrently with any other administrative license suspension.

332 (11) **Ignition interlock.** If the court orders installation  
333 and use of an ignition-interlock device as provided in Section  
334 63-11-31 for every vehicle operated by a person convicted or  
335 nonadjudicated under this section, each device shall be installed,  
336 maintained and removed as provided in Section 63-11-31.

337 (12) **DUI child endangerment.** A person over the age of  
338 twenty-one (21) who violates subsection (1) of this section while  
339 transporting in a motor vehicle a child under the age of sixteen  
340 (16) years is guilty of the separate offense of endangering a  
341 child by driving under the influence of alcohol or any other  
342 substance which has impaired the person's ability to operate a



343 motor vehicle. The offense of endangering a child by driving  
344 under the influence of alcohol or any other substance which has  
345 impaired the person's ability to operate a motor vehicle shall not  
346 be merged with an offense of violating subsection (1) of this  
347 section for the purposes of prosecution and sentencing. An  
348 offender who is convicted of a violation of this subsection shall  
349 be punished as follows:

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

356 (b) A person who commits a violation of this subsection  
357 which does not result in the serious injury or death of a child  
358 and which is a second conviction shall be guilty of a misdemeanor  
359 and, upon conviction, shall be fined not less than One Thousand  
360 Dollars (\$1,000.00) nor more than Five Thousand Dollars  
361 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

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



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

375 (13) **Expunction.** (a) Any person convicted under subsection  
376 (2) or (3) of this section of a first offense of driving under the  
377 influence and who was not the holder of a commercial driver's  
378 license or a commercial learning permit at the time of the offense  
379 may petition the circuit court of the county in which the  
380 conviction was had for an order to expunge the record of the  
381 conviction at least five (5) years after successful completion of  
382 all terms and conditions of the sentence imposed for the  
383 conviction. Expunction under this subsection will only be  
384 available to a person:

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

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

389 (iii) Whose blood alcohol concentration tested  
390 below sixteen one-hundredths percent (.16%) if test results are  
391 available;





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

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

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

398 (b) A person is eligible for only one (1) expunction  
399 under this subsection, and the Department of Public Safety shall  
400 maintain a permanent confidential registry of all cases of  
401 expunction under this subsection for the sole purpose of  
402 determining a person's eligibility for expunction, for  
403 nonadjudication, or as a first offender under this section.

404 (c) The court in its order of expunction shall state in  
405 writing the justification for which the expunction was granted and  
406 forward the order to the Department of Public Safety within five  
407 (5) days of the entry of the order.

408 (14) **Nonadjudication.** (a) For the purposes of this  
409 chapter, "nonadjudication" means that the court withholds  
410 adjudication of guilt and sentencing, either at the conclusion of  
411 a trial on the merits or upon the entry of a plea of guilt by a  
412 defendant, and places the defendant in a nonadjudication program  
413 conditioned upon the successful completion of the requirements  
414 imposed by the court under this subsection.

415 (b) A person is eligible for nonadjudication of an  
416 offense under this Section 63-11-30 only one (1) time under any



417 provision of a law that authorizes nonadjudication and only for an  
418 offender:

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

422 (ii) Who was not the holder of a commercial  
423 driver's license or a commercial learning permit at the time of  
424 the offense;

425 (iii) Who has not previously been convicted of and  
426 does not have pending any former or subsequent charges under this  
427 section; and

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

430 (c) Nonadjudication may be initiated upon the filing of  
431 a petition for nonadjudication or at any stage of the proceedings  
432 in the discretion of the court; the court may withhold  
433 adjudication of guilt, defer sentencing, and upon the agreement of  
434 the offender to participate in a nonadjudication program, enter an  
435 order imposing requirements on the offender for a period of court  
436 supervision before the order of nonadjudication is entered.  
437 Failure to successfully complete a nonadjudication program  
438 subjects the person to adjudication of the charges against him and  
439 to imposition of all penalties previously withheld due to entrance  
440 into a nonadjudication program. The court shall immediately



441 inform the commissioner of the conviction as required in Section  
442 63-11-37.

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

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

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

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

451 4. a. If the court determines that the  
452 person violated this section with respect to alcohol or  
453 intoxicating liquor, the person must install an ignition-interlock  
454 device on every motor vehicle operated by the person, obtain an  
455 interlock-restricted license, and maintain that license for one  
456 hundred twenty (120) days or suffer a one-hundred-twenty-day  
457 suspension of the person's regular driver's license, during which  
458 time the person must not operate any vehicle.

459 b. If the court determines that the  
460 person violated this section by operating a vehicle when under the  
461 influence of a substance other than alcohol that has impaired the  
462 person's ability to operate a motor vehicle, including any drug or  
463 controlled substance which is unlawful to possess under the  
464 Mississippi Controlled Substances Law, the person must submit to a  
465 one-hundred-twenty-day period of a nonadjudication program that



466 includes court-ordered drug testing at the person's own expense  
467 not less often than every thirty (30) days, during which time the  
468 person may drive if compliant with the terms of the program, or  
469 suffer a one-hundred-twenty-day suspension of the person's regular  
470 driver's license, during which time the person will not operate  
471 any vehicle.

472 (ii) Other conditions that may be imposed by the  
473 court include, but are not limited to, alcohol or drug screening,  
474 or both, proof that the person has not committed any other traffic  
475 violations while under court supervision, proof of immobilization  
476 or impoundment of vehicles owned by the offender if required, and  
477 attendance at a victim-impact panel.

478 (d) The court may enter an order of nonadjudication  
479 only if the court finds, after a hearing or after ex parte  
480 examination of reliable documentation of compliance, that the  
481 offender has successfully completed all conditions imposed by law  
482 and previous orders of the court. The court shall retain  
483 jurisdiction over cases involving nonadjudication for a period of  
484 not more than two (2) years.

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



490 (ii) Judges, clerks and prosecutors involved in  
491 the trial of implied consent violations and law enforcement  
492 officers involved in the issuance of citations for implied consent  
493 violations shall have secure online access to the confidential  
494 registry for the purpose of determining whether a person has  
495 previously been the subject of a nonadjudicated case and 1. is  
496 therefore ineligible for another nonadjudication; 2. is ineligible  
497 as a first offender for a violation of this section; or 3. is  
498 ineligible for expunction of a conviction of a violation of this  
499 section.

500 (iii) The Driver Services Bureau of the department  
501 shall have access to the confidential registry for the purpose of  
502 determining whether a person is eligible for a form of license not  
503 restricted to operating a vehicle equipped with an  
504 ignition-interlock device.

505 (iv) The Mississippi Alcohol Safety Education  
506 Program shall have secure online access to the confidential  
507 registry for research purposes only.

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

513 **SECTION 3.** This act shall take effect and be in force from  
514 and after July 1, 2024.

