

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.

