

By: Senator(s) Walls

To: Judiciary

SENATE BILL NO. 2524

1 AN ACT TO AMEND SECTION 63-9-11, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE ALTERNATIVE SENTENCING OF CERTAIN FIRST- OR SECOND-TIME
3 TRAFFIC VIOLATORS AND TO PROVIDE THAT SUCH TRAFFIC VIOLATIONS WILL
4 NOT BE ENTERED ON THE DRIVING RECORD OF ANY INDIVIDUAL; TO AMEND
5 SECTION 63-9-17, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-9-11, Mississippi Code of 1972, is
9 amended as follows:

10 63-9-11. (1) It is a misdemeanor for any person to violate
11 any of the provisions of Chapter 3, 5 or 7 of this title, unless
12 such violation is by such chapter or other law of this state
13 declared to be a felony.

14 (2) Every person convicted of a misdemeanor for a violation
15 of any of the provisions of such chapter for which another penalty
16 is not provided shall for first conviction thereof be punished by
17 a fine of not more than One Hundred Dollars (\$100.00) or by
18 imprisonment for not more than ten (10) days; for a second such
19 conviction within one (1) year thereafter such person shall be
20 punished by a fine of not more than Two Hundred Dollars (\$200.00)
21 or by imprisonment for not more than twenty (20) days or by both
22 such fine and imprisonment; upon a third or subsequent conviction
23 within one (1) year after the first conviction such person shall
24 be punished by a fine of not more than Five Hundred Dollars
25 (\$500.00) or by imprisonment for not more than six (6) months or
26 by both such fine and imprisonment.

27 (3) Whenever, in a misdemeanor case, a person is convicted
28 of violating any of the provisions of Chapter 3, 5 or 7 of this
29 title, has not had more than one (1) such violation within the



30 past three (3) years, and pleads guilty to the violation, the
31 court imposing sentence is authorized to impose a double fine and
32 withhold reporting of the conviction to the Mississippi Department
33 of Public Safety for inclusion in the person's driving record.

34 **SECTION 2.** Section 63-9-17, Mississippi Code of 1972, is
35 amended as follows:

36 63-9-17. (1) Every court shall keep a full record of the
37 proceedings of every case in which a person is charged with any
38 violation of law regulating the operation of vehicles on the
39 highways, streets or roads of this state.

40 (2) Unless otherwise sooner required by law, within
41 forty-five (45) days after the conviction of a person upon a
42 charge of violating any law regulating the operation of vehicles
43 on the highways, streets or roads of this state, every * * * court
44 in which such conviction was had shall prepare and immediately
45 forward to the Department of Public Safety an abstract of the
46 record of said court covering the case in which said person was so
47 convicted, which abstract must be certified by the person so
48 authorized to prepare the same to be true and correct.

49 (3) Said abstract must be made upon a form approved by the
50 Department of Public Safety, and shall include the name and
51 address of the party charged, the registration number of the
52 vehicle involved, the nature of the offense, the date of hearing,
53 the plea, the judgment, and if the fine was satisfied by
54 prepayment or appearance bond forfeiture, and the amount of the
55 fine or forfeiture, as the case may be.

56 (4) Every * * * court shall also forward a like report to
57 the Department of Public Safety upon the conviction of any person
58 of manslaughter or other felony in the commission of which a
59 vehicle was used.

60 (5) Every court shall also forward a like report to the
61 Department of Public Safety upon the entry of a plea of guilty
62 under Section 63-9-11(3), and the department shall make and



63 maintain a private, nonpublic record solely for the use of the
64 courts in determining eligibility under Section 63-9-11(3) as a
65 first- or second-time offender, which shall not constitute a
66 criminal record for the purpose of private or administrative
67 inquiry. Reports forwarded to the Department of Public Safety
68 under this subsection shall be exempt from the provisions of the
69 Mississippi Public Records Act of 1983.

70 (6) The failure by refusal or neglect of any such judicial
71 officer to comply with any of the requirements of this section
72 shall constitute misconduct in office and shall be grounds for
73 removal therefrom.

74 (7) The Department of Public Safety shall keep copies of all
75 abstracts received hereunder for a period of three (3) years at
76 its main office and the same shall be open to public inspection
77 during reasonable business hours.

78 **SECTION 3.** This act shall take effect and be in force from
79 and after January 1, 2003.

