

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 2746

1 AN ACT TO AMEND SECTION 63-9-21, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE UNIFORM TRAFFIC TICKET LAW TO ALLOW FOR ELECTRONICALLY
3 PRODUCED AND ELECTRONICALLY FILED TRAFFIC CITATIONS; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 63-9-21, Mississippi Code of 1972, is
7 amended as follows:

8 63-9-21. (1) This section shall be known as the Uniform
9 Traffic Ticket Law.

10 (2) All traffic tickets shall be printed in the original and
11 at least two (2) copies and such other copies as may be prescribed
12 by the State Auditor unless the traffic ticket is filed
13 electronically as provided in subsection (8) of this section. All
14 traffic tickets shall be uniform as prescribed by the State
15 Auditor and the Attorney General, except as otherwise provided in
16 subsection (3)(b) and except that such state officers may alter
17 the form and content of traffic tickets to meet the varying
18 requirements of the different law enforcement agencies. The State
19 Auditor and the Attorney General shall prescribe a separate
20 traffic ticket, consistent with the provisions of subsection
21 (3)(b) of this section, to be used exclusively for violations of
22 the Mississippi Implied Consent Law.

23 (3) (a) Except as otherwise provided in paragraph (b) of
24 this subsection, every traffic ticket issued by any sheriff,
25 deputy sheriff, constable, county patrol officer, municipal police
26 officer or State Highway Patrol officer for any violation of
27 traffic or motor vehicle laws shall be issued on the uniform
28 traffic ticket consisting of an original and at least two (2)



29 copies and such other copies as may be prescribed by the State
30 Auditor.

31 (b) The traffic ticket, citation or affidavit which is
32 issued to a person arrested for a violation of the Mississippi
33 Implied Consent Law shall be uniform throughout all jurisdictions
34 in the State of Mississippi. It shall contain a place for the
35 trial judge hearing the case or accepting the guilty plea, as the
36 case may be, to sign, stating that the person arrested either
37 employed an attorney or waived his right to an attorney after
38 having been properly advised of his right to have an attorney. If
39 the person arrested employed an attorney, the name, address and
40 telephone number of the attorney shall be written on the ticket,
41 citation or affidavit.

42 (c) Every traffic ticket shall show, among other
43 necessary information, the name of the issuing officer, the name
44 of the court in which the cause is to be heard, and the date and
45 time such person is to appear to answer the charge. The ticket
46 shall include information which will constitute a complaint
47 charging the offense for which the ticket was issued, and when
48 duly sworn to and filed with a court of competent jurisdiction,
49 prosecution may proceed thereunder.

50 (4) Except as provided in subsection (8) of this section,
51 all traffic tickets shall be bound in book form, shall be
52 consecutively numbered and each traffic ticket shall be accounted
53 for to the officer issuing such book. Said traffic ticket books
54 shall be issued to sheriffs, deputy sheriffs, constables and
55 county patrol officers by the chancery clerk of their respective
56 counties, to each municipal police officer by the clerk of the
57 municipal court, and to each State Highway Patrol officer by the
58 Commissioner of Public Safety.

59 (5) The chancery clerk, clerk of the municipal court and the
60 Commissioner of Public Safety shall keep a record of all traffic



61 ticket books issued and to whom issued, accounting for all books
62 printed and issued.

63 (6) The original traffic ticket shall be delivered by the
64 officer issuing the traffic ticket to the clerk of the court to
65 which it is returnable to be retained in that court's records and
66 the number noted on the docket unless the traffic ticket is filed
67 electronically as provided in subsection (8) of this section. The
68 officer issuing the traffic ticket shall also give the accused a
69 copy of the traffic ticket. The clerk of the court shall file a
70 copy with the State Auditor within forty-five (45) days after
71 judgment is rendered showing the amount of the fine and cost or,
72 in cases in which no judgment has been rendered, within one
73 hundred twenty (120) days after issuance of the ticket. Other
74 copies that are prescribed by the State Auditor pursuant to this
75 section shall be filed or retained as may be designated by the
76 State Auditor. All copies shall be retained for at least two (2)
77 years.

78 (7) Failure to comply with the provisions of this section
79 shall constitute a misdemeanor and, upon conviction, shall be
80 punishable by a fine of not less than Ten Dollars (\$10.00) nor
81 more than One Hundred Dollars (\$100.00).

82 (8) (a) Law enforcement agencies may file traffic tickets
83 by computer or other electronic means, provided that the ticket
84 conforms in all substantive respects, including layout and
85 content, as provided in subsection (2) of this section. The
86 provisions of subsection (4) of this section requiring that
87 tickets be bound in book form shall not be applicable to a ticket
88 that is produced by computer or other electronic means.

89 (b) If a ticket is issued at the scene of an alleged
90 offense, the issuing officer shall provide the defendant with a
91 paper copy of the ticket. A law enforcement officer who files a
92 ticket electronically shall be considered to have certified the
93 ticket and shall have the same rights, responsibilities and



94 liabilities as with all other tickets issued pursuant to this
95 section.

96 (c) This subsection (8) does not apply to tickets
97 issued for a violation of the Mississippi Implied Consent Law.

98 **SECTION 2.** This act shall take effect and be in force from
99 and after July 1, 2003.

