

By: Representative Reeves

To: Judiciary A

HOUSE BILL NO. 280

1 AN ACT TO AMEND SECTION 63-11-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE LIST OF OFFICERS AUTHORIZED TO ADMINISTER CHEMICAL
3 TESTS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 63-11-5, Mississippi Code of 1972, is
6 amended as follows:

7 63-11-5. (1) Any person who operates a motor vehicle upon
8 the public highways, public roads and streets of this state shall
9 be deemed to have given his consent, subject to the provisions of
10 this chapter, to a chemical test or tests of his breath for the
11 purpose of determining alcohol concentration. A person shall give
12 his consent to a chemical test or tests of his breath, blood or
13 urine for the purpose of determining the presence in his body of
14 any other substance which would impair a person's ability to
15 operate a motor vehicle. The test or tests shall be administered
16 at the direction of any highway patrol officer, any sheriff or his
17 duly commissioned deputies, any police officer in any incorporated
18 municipality, any national park ranger, any conservation officer
19 employed by the Department of Wildlife, Fisheries and Parks, any
20 Public Service Commission motor carrier inspector, any officer of
21 a state-supported institution of higher learning campus police
22 force if such officer is exercising this authority in regard to a
23 violation that occurred on campus property, or any security
24 officer appointed and commissioned pursuant to the Pearl River
25 Valley Water Supply District Security Officer Law of 1978 if such
26 officer is exercising this authority in regard to a violation that
27 occurred within the limits of the Pearl River Valley Water Supply

28 District, when such officer has reasonable grounds and probable
29 cause to believe that the person was driving or had under his
30 actual physical control a motor vehicle upon the public streets or
31 highways of this state while under the influence of intoxicating
32 liquor or any other substance which had impaired such person's
33 ability to operate a motor vehicle. No such test shall be
34 administered by any person who has not met all the educational and
35 training requirements of the appropriate course of study
36 prescribed by the Board on Law Enforcement Officers Standards and
37 Training; provided, however, that sheriffs and elected chiefs of
38 police shall be exempt from such educational and training
39 requirement. No such tests shall be given by any officer or any
40 agency to any person within fifteen (15) minutes of consumption of
41 any substance by mouth.

42 (2) If the officer has reasonable grounds and probable cause
43 to believe such person to have been driving a motor vehicle upon
44 the public highways, public roads, and streets of this state while
45 under the influence of intoxicating liquor, such officer shall
46 inform such person that his failure to submit to such chemical
47 test or tests of his breath shall result in the suspension of his
48 privilege to operate a motor vehicle upon the public streets and
49 highways of this state for a period of ninety (90) days in the
50 event such person has not previously been convicted of a violation
51 of Section 63-11-30, or, for a period of one (1) year in the event
52 of any previous conviction of such person under Section 63-11-30.

53 (3) The traffic ticket, citation or affidavit issued to a
54 person arrested for a violation of this chapter shall conform to
55 the requirements of Section 63-9-21(3)(b).

56 (4) Any person arrested under the provisions of this chapter
57 shall be informed that he has the right to telephone for the
58 purpose of requesting legal or medical assistance immediately
59 after being booked for a violation under this chapter.

60 (5) The Commissioner of Public Safety and the State Crime
61 Laboratory created pursuant to Section 45-1-17 are hereby
62 authorized from and after the passage of this section to adopt
63 procedures, rules and regulations, applicable to the Implied
64 Consent Law.

65 **SECTION 2.** This act shall take effect and be in force from
66 and after July 1, 2006.