MISSISSIPPI LEGISLATURE REGULAR SESSION 2006

By: Senator(s) Ross

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2486

AN ACT TO AMEND SECTION 63-11-25, MISSISSIPPI CODE OF 1972, TO REQUIRE NOTICE TO THE PROSECUTOR OF ANY APPEAL OF DRIVER'S LICENSE SUSPENSION FOR DRIVING UNDER THE INFLUENCE; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 63-11-25, Mississippi Code of 1972, is amended as follows:

63-11-25. If the forfeiture, suspension or denial of issuance is sustained upon hearing by the Commissioner of Public Safety or his duly authorized agent pursuant to subsection (1) of Section 63-11-23, * * * the person aggrieved may file a petition in the circuit or county court having original jurisdiction of the violation triggering the forfeiture, suspension or denial within ten (10) days after the mailing of the rendition of the decision * * * for review of the commissioner's decision, and the hearing upon review shall proceed as a trial de novo before the court without a jury. The petition shall include the date of the arrest triggering the forfeiture, suspension or denial, the identity of the agency responsible for the arrest of the petitioner and a copy of the commissioner's notification of the suspension of the petitioner's driver's license. The petition shall be served upon the prosecutor charged with representing the state under Section 63-11-23, and the petition shall not be set for hearing until service upon the prosecutor is complete. However, the petitioner may not exercise the driving privilege while the appeal is pending.

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

ST: DUI; notify prosecutor of judicial appeal of administrative suspension of license.