

By: Senator(s) Lee (35th)

To: Judiciary, Division B

SENATE BILL NO. 2699

1 AN ACT TO AMEND SECTION 63-11-8, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THE NECESSITY TO TEST ALL DRIVERS INVOLVED IN ANY FATAL  
3 MOTOR VEHICLE ACCIDENT; AND FOR RELATED PURPOSES.

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

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

7 63-11-8. (1) The operators of all motor vehicles involved  
8 in an accident that results in a death shall be tested for the  
9 purpose of determining the alcohol content or drug content of the  
10 various operators' blood, breath or urine. Any blood withdrawal  
11 required by this section shall be administered by any qualified  
12 person and shall be administered within two (2) hours after such  
13 accident, if possible. The exact time of the accident, to the  
14 extent possible, and the exact time of the blood withdrawal shall  
15 be recorded.

16 (2) If any investigating law enforcement officer has  
17 reasonable grounds to believe that a person was the operator of  
18 any motor vehicle involved in an accident that has resulted in a  
19 death, it shall be the officer's duty to see that a chemical test  
20 is administered as required by this section.

21 (3) The results of a test administered pursuant to this  
22 section may be used as evidence in any court or administrative  
23 hearing without the consent of the person so tested.

24 (4) No person may refuse to submit to a chemical test  
25 required under the provisions of this section.

26 (5) Analysis of blood or urine to determine alcohol or drug  
27 content pursuant to this section shall be conducted by the

28 Mississippi Crime Laboratory or a laboratory whose methods and  
29 procedures have been approved by the Mississippi Crime Laboratory.

30           **SECTION 2.** This act shall take effect and be in force from  
31 and after July 1, 2007.