

By: Representatives Gipson, Kinkade, Willis

To: Drug Policy

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1366

1 AN ACT TO AMEND SECTION 63-1-31, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT JURISDICTION FOR APPEAL OF DRIVER'S LICENSE
3 SUSPENSION LIES IN THE CIRCUIT OR COUNTY COURT; TO CREATE NEW
4 SECTION 63-1-58, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
5 SUSPENSION OR RESTRICTION OF DRIVING PRIVILEGES RUN CONSECUTIVELY
6 AND NOT CONCURRENTLY; TO AMEND SECTION 63-11-5, MISSISSIPPI CODE
7 OF 1972, TO REQUIRE A ONE-YEAR LICENSE SUSPENSION FOR REFUSAL FOR
8 A PERSON WITH A PRIOR FIRST OFFENSE OR NONADJUDICATION; TO AMEND
9 SECTION 63-11-21, MISSISSIPPI CODE OF 1972, TO MAKE TECHNICAL
10 AMENDMENTS; TO AMEND SECTION 63-11-23, MISSISSIPPI CODE OF 1972,
11 TO REVISE THE ADMINISTRATIVE PROCEDURE OF LICENSE SUSPENSION UNDER
12 CERTAIN CIRCUMSTANCES; TO AMEND SECTION 63-11-25, MISSISSIPPI CODE
13 OF 1972, TO REVISE THE DE NOVO APPEAL TO COURT OF AN
14 ADMINISTRATIVE LICENSE SUSPENSION; TO AMEND SECTION 63-11-30,
15 MISSISSIPPI CODE OF 1972, TO REVISE THE OFFENSE OF DRIVING UNDER
16 THE INFLUENCE OF ALCOHOL OR OTHER DRUGS; TO AMEND SECTION
17 63-11-31, MISSISSIPPI CODE OF 1972, TO CONFORM THE REQUIREMENT OF
18 INSTALLATION AND MAINTENANCE OF IGNITION-INTERLOCK DEVICES AND TO
19 PLACE THE RESPONSIBILITY TO DETERMINE INDIGENCE ON THE TRIAL
20 COURT; TO AMEND SECTION 63-11-37, MISSISSIPPI CODE OF 1972, TO
21 REQUIRE COURT CLERKS TO SUBMIT CHARGING AND DISPOSITION
22 INFORMATION TO THE DEPARTMENT OF PUBLIC SAFETY IN A TIMELY MANNER;
23 TO AMEND SECTION 63-1-5, MISSISSIPPI CODE OF 1972, TO CONFORM; TO
24 REPEAL SECTIONS 63-11-49, 63-11-51 AND 63-11-53, MISSISSIPPI CODE
25 OF 1972, WHICH PROVIDE FOR THE SEIZURE, FORFEITURE AND DISPOSITION
26 OF PROCEEDS OF VEHICLES USED IN A THIRD OR SUBSEQUENT DUI
27 VIOLATION; TO MAKE TRANSITION PROVISIONS; AND FOR RELATED
28 PURPOSES.

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

30 **SECTION 1.** Section 63-1-31, Mississippi Code of 1972, is
31 amended as follows:



32 63-1-31. When a person is denied a license or any temporary
33 driving permit after filing the proper application, he shall have
34 the right within sixty (60) days thereafter to file a petition, in
35 the county or circuit * * * court in the county wherein * * * the
36 application was filed, praying for a hearing in the matter before
37 the judge of the court in which * * * the application is
38 presented. * * * The judge * * * is hereby vested with
39 jurisdiction to hear such matters forthwith within term time or
40 during vacation, upon five (5) days' written notice to the officer
41 who refused to issue * * * the license or any temporary driving
42 permit. * * * The hearing shall be conducted at * * * a place as
43 may suit the convenience of the court. On the hearing of the
44 petition, testimony may be taken, and the court shall render * * *
45 judgment in the matter as it deems right and proper under the law
46 and evidence.

47 **SECTION 2.** The following shall be codified as Section
48 63-1-58, Mississippi Code of 1972:

49 63-1-58. **License suspensions and restrictions to run**
50 **consecutively.** Suspension or restriction of driving privileges
51 for any person convicted of or nonadjudicated for violations of
52 the Implied Consent Law or any administrative suspension imposed
53 under this chapter shall run consecutively and not concurrently.

54 **SECTION 3.** Section 63-11-5, Mississippi Code of 1972, is
55 amended as follows:



56 63-11-5. (1) Any person who operates a motor vehicle * * *
57 in this state shall be deemed to have given his consent, subject
58 to the provisions of this chapter, to a chemical test or tests of
59 his breath for the purpose of determining alcohol concentration.
60 A person shall give his consent to a chemical test or tests of his
61 breath, blood or urine for the purpose of determining the presence
62 in his body of any other substance which would impair a person's
63 ability to operate a motor vehicle. The test or tests shall be
64 administered at the direction of any highway patrol officer, any
65 sheriff or his duly commissioned deputies, any police officer in
66 any incorporated municipality, any national park ranger, any
67 officer of a state-supported institution of higher learning campus
68 police force if * * * the officer is exercising this authority in
69 regard to a violation that occurred on campus property, or any
70 security officer appointed and commissioned pursuant to the Pearl
71 River Valley Water Supply District Security Officer Law of 1978 if
72 such officer is exercising this authority in regard to a violation
73 that occurred within the limits of the Pearl River Valley Water
74 Supply District, when such officer has reasonable grounds and
75 probable cause to believe that the person was driving or had under
76 his actual physical control a motor vehicle upon the public
77 streets or highways of this state while under the influence of
78 intoxicating liquor or any other substance which had impaired such
79 person's ability to operate a motor vehicle. No such test shall
80 be administered by any person who has not met all the educational



81 and training requirements of the appropriate course of study
82 prescribed by the Board on Law Enforcement Officers Standards and
83 Training; * * * however, * * * sheriffs and elected chiefs of
84 police shall be exempt from such educational and training
85 requirement. No such tests shall be given by any officer or any
86 agency to any person within fifteen (15) minutes of consumption of
87 any substance by mouth.

88 (2) If the officer has reasonable grounds and probable cause
89 to believe * * * the person to have been * * * operating a motor
90 vehicle * * * while under the influence of intoxicating
91 liquor, * * * the officer shall inform * * * the person that * * *
92 failure to submit to * * * chemical test or tests of his breath
93 shall result in the suspension of * * * the privilege to operate a
94 motor vehicle * * * in this state for a period of ninety (90)
95 days * * * if the person has not previously been convicted of or
96 nonadjudicated for a violation of Section 63-11-30, or, for a
97 period of one (1) year * * * if the person was previously
98 convicted of or nonadjudicated for a violation under Section
99 63-11-30.

100 (3) The traffic ticket, citation or affidavit issued to a
101 person arrested for a violation of this chapter shall conform to
102 the requirements of Section 63-9-21(3)(b), and, if filed
103 electronically, shall conform to Section 63-9-21(8).

104 (4) * * * A person arrested under the provisions of this
105 chapter shall be informed that he has the right to telephone for



106 the purpose of requesting legal or medical assistance immediately
107 after being booked for a violation under this chapter.

108 (5) The Commissioner of Public Safety and the Mississippi
109 Forensics Laboratory created pursuant to Section 45-1-17 are * * *
110 authorized * * * to adopt procedures, rules and regulations * * *
111 applicable to the Implied Consent Law.

112 **SECTION 4.** Section 63-11-21, Mississippi Code of 1972, is
113 amended as follows:

114 63-11-21. (1) If a person refuses upon the request of a law
115 enforcement officer to submit to a chemical test of his breath
116 designated by the law enforcement agency as provided in Section
117 63-11-5, none shall be given, but the officer shall at that point
118 demand the driver's license of the person, who shall deliver his
119 driver's license into the hands of the officer. If a person
120 refuses to submit to a chemical test under the provisions of this
121 chapter, the person shall be informed by the law enforcement
122 officer that the refusal to submit to the test shall subject him
123 to * * * suspension of the driving privilege as prescribed * * *
124 under Section * * * 63-11-23. The officer shall give the driver a
125 receipt for his license on forms prescribed and furnished by the
126 Commissioner of Public Safety. The officer shall forward the
127 driver's license together with a sworn report to the Commissioner
128 of Public Safety stating that he had reasonable grounds and
129 probable cause to believe the person had been * * * operating a
130 motor vehicle while under the influence of intoxicating



131 liquor * * * or any other substance which may impair a person's
132 mental or physical ability, stating such grounds, and that the
133 person had refused to submit to the chemical test of his breath
134 upon request of the law enforcement officer.

135 **SECTION 5.** Section 63-11-23, Mississippi Code of 1972, is
136 amended as follows:

137 63-11-23. (1) License suspension for test refusal. The
138 Commissioner of Public Safety, or his authorized agent, shall
139 review the sworn report by a law enforcement officer as provided
140 in Section 63-11-21.

141 (a) If upon review the Commissioner of Public Safety,
142 or his authorized agent, finds (* * *i) that the law enforcement
143 officer had reasonable grounds and probable cause to believe the
144 person had been * * * operating a motor vehicle * * * while under
145 the influence of intoxicating liquor or any other substance that
146 may impair a person's mental or physical ability or is under the
147 influence of any drug or controlled substance, the possession
148 which is unlawful under the Mississippi Controlled Substances Law;
149 (* * *ii) that he refused to submit to the chemical test upon
150 request of the officer; and (* * *iii) that the person was
151 informed that his license and driving privileges would be
152 suspended or denied if he refused to submit to the chemical test,
153 then the Commissioner of Public Safety, or his authorized agent,
154 shall give notice to the licensee that his license or permit to
155 drive, or any nonresident operating privilege, shall be suspended



156 thirty (30) days after the date of the notice for a period of
157 ninety (90) days * * * if the person has not previously been
158 convicted of or nonadjudicated for a violation of Section
159 63-11-30, or, for a period of one (1) year * * * if the person was
160 previously convicted or nonadjudicated under Section 63-11-30.

161 * * * If the commissioner or his authorized agent determines that
162 the license should not be suspended, he shall return the license
163 or permit to the licensee.

164 The notice of suspension shall be in writing and * * *
165 conform to Section 63-1-52 * * *.

166 (2) **License suspension upon positive chemical test before**
167 **conviction or nonadjudication; request for trial; extension or**
168 **suspension of privilege to drive.** (a) If the chemical testing of
169 a person's breath indicates the blood alcohol concentration was
170 eight one-hundredths percent (.08%) or more for persons who are
171 above the legal age to purchase alcoholic beverages under state
172 law, or two one-hundredths percent (.02%) or more for persons who
173 are below the legal age to purchase alcoholic beverages under
174 state law, based upon grams of alcohol per one hundred (100)
175 milliliters of blood or grams of alcohol per two hundred ten (210)
176 liters of breath as shown by a chemical analysis of such person's
177 blood, or breath, or urine, the arresting officer shall seize the
178 license and give the driver a receipt for his license on forms
179 prescribed by the Commissioner of Public Safety and shall promptly
180 forward the license together with a sworn report to the



181 Commissioner of Public Safety. The receipt given a person * * *
182 shall be valid as a permit to operate a motor vehicle for * * *
183 thirty (30) days in order that the defendant may be processed
184 through the court having original jurisdiction and a final
185 disposition had.

186 (b) If the defendant requests a trial within thirty
187 (30) days and trial is not commenced within thirty (30) days, then
188 the court shall determine if the delay in the trial is the fault
189 of the defendant or his counsel. If the court finds that it is
190 not the fault of the defendant or his counsel, then the court
191 shall order the defendant's driving privileges to be extended
192 until the defendant is convicted and immediately inform the
193 Commissioner.

194 (c) If a receipt or permit to drive issued pursuant to
195 the provisions of this subsection expires without a trial having
196 been requested as provided * * * in this subsection, then the
197 Commissioner of Public Safety or his authorized agent shall
198 suspend the license or permit to drive or any nonresident
199 operating privilege for the applicable period of time as
200 provided * * * in subsection (1) of this section.

201 (3) **Suspension based on conviction or provisional to**
202 **nonadjudication under Section 63-11-30.** Within thirty (30) days
203 after receipt of the court abstract documenting a conviction or
204 nonadjudication under Section 63-11-30, the Department of Public
205 Safety shall suspend the driver's license and driving privileges



206 of the person as provided in this section; an interlock-restricted
207 license may be issued to a person who qualifies under this section
208 and Section 63-11-31; the person will not be eligible for an
209 unrestricted license until the person has completed all conditions
210 of the person's sentence or nonadjudication and is not otherwise
211 barred from obtaining an unrestricted license by law.

212 (a) When the person is sentenced under Section
213 63-11-30(2), the Commissioner of Public Safety, or his authorized
214 agent, shall suspend the person's license as follows:

215 (i) For a first offense: ninety (90) days, but
216 the person is eligible for an interlock-restricted license during
217 the period of suspension;

218 (ii) For a second offense: one (1) year;

219 (iii) For a third offense: for the full period of
220 the person's sentence; upon completion of sentence, the person
221 will be eligible for only an interlock-restricted license for
222 three (3) years.

223 (iv) For a fourth or subsequent offense: for the
224 full period of the person's sentence; upon completion of sentence,
225 the person will be eligible for only an interlock-restricted
226 license for five (5) years.

227 (b) If the person is convicted and sentenced under Zero
228 Tolerance for Minors, Section 63-11-30(3), the Commissioner of
229 Public Safety, or his authorized agent, shall suspend the person's
230 license as follows:



231 (i) For a first offense: ninety (90) days, but
232 the person is eligible for an interlock-restricted license during
233 the period of suspension;

234 (ii) For a second offense: one (1) year, except
235 that the court may order the Commissioner to reduce the suspension
236 to six (6) months if the minor successfully completes treatment if
237 ordered by the court;

238 (c) If the person is placed in a nonadjudication
239 program under Section 63-11-30(14), the Commissioner of Public
240 Safety, or his authorized agent, shall suspend the person's
241 license for one hundred twenty (120) days during which time the
242 person is eligible for only an interlock-restricted license.

243 (4) If the person is a resident without a license or permit
244 to operate a motor vehicle in this state, the Commissioner of
245 Public Safety, or his authorized agent, shall deny to the person
246 the issuance of a license or permit for a period of one (1) year
247 beginning thirty (30) days after the date of notice of * * * the
248 suspension.

249 (* * *5) It shall be the duty of the municipal prosecuting
250 attorney, county prosecuting attorney, an attorney employed under
251 the provisions of Section 19-3-49, or * * * if there is * * * not
252 a prosecuting attorney for the municipality or county, the duty of
253 the district attorney to represent the state in any hearing or
254 appeal de novo held under the provisions of Section 63-11-25,



255 under the provisions of Section 63-11-37 * * * or * * * Section
256 63-11-30 * * *.

257 (6) All notices of suspension given under this section shall
258 be in writing and conform to Section 63-1-52.

259 (7) All clerks of court must comply with Section 63-11-37
260 under penalty of law.

261 **SECTION 6.** Section 63-11-25, Mississippi Code of 1972, is
262 amended as follows:

263 63-11-25. **Appeal of suspension for test refusal.** (1) If
264 the * * * suspension or denial of issuance is sustained by the
265 Commissioner of Public Safety, or his duly authorized agent * * *
266 under the administrative hearing prescribed by Section
267 63-11-23, * * * the person aggrieved may file within ten (10) days
268 after the rendition of * * * the decision a petition in the
269 circuit or county court having original jurisdiction of the
270 violation for review of * * * the decision and * * * the hearing
271 upon review shall proceed as a trial de novo before the court
272 without a jury. * * * The appeal does not act as a supersedeas
273 and the person will not be allowed to exercise the driving
274 privilege while * * * the appeal is pending.

275 (2) The person appealing the license suspension must name
276 the original prosecutor, the arresting officer and the arresting
277 officer's agency in the appeal. In addition to the notice
278 required under the Mississippi Rules of Civil Procedure, the
279 appellant also must give notice to the original prosecutor and to



280 the chief officer of the arresting officer's law enforcement
281 agency within the same time required for notice under the
282 Mississippi Rules of Civil Procedure.

283 **SECTION 7.** Section 63-11-30, Mississippi Code of 1972, is
284 amended as follows:

285 63-11-30. (1) It is unlawful for a person to drive or
286 otherwise operate a vehicle within this state if the person:

287 (a) Is under the influence of intoxicating liquor;

288 (b) Is under the influence of any other substance that
289 has impaired the person's ability to operate a motor vehicle;

290 (c) Is under the influence of any drug or controlled
291 substance, the possession of which is unlawful under the
292 Mississippi Controlled Substances Law; or

293 (d) Has an alcohol concentration in the person's blood,
294 based upon grams of alcohol per one hundred (100) milliliters of
295 blood, or grams of alcohol per two hundred ten (210) liters of
296 breath, as shown by a chemical analysis of the person's breath,
297 blood or urine administered as authorized by this chapter, of:

298 (i) Eight one-hundredths percent (.08%) or more
299 for a person who is above the legal age to purchase alcoholic
300 beverages under state law;

301 (ii) Two one-hundredths percent (.02%) or more for
302 a person who is below the legal age to purchase alcoholic
303 beverages under state law; or



304 (iii) Four one-hundredths percent (.04%) or more
305 for a person operating a commercial motor vehicle.

306 (2) Except as otherwise provided in subsection (3) of this
307 section:

308 (a) **First offense DUI.** (i) * * * Upon conviction of
309 any person for the first offense of violating subsection (1) of
310 this section where chemical tests * * * under Section 63-11-5 were
311 given, or where chemical test results are not available, the
312 person shall be fined not less than Two Hundred Fifty Dollars
313 (\$250.00) nor more than One Thousand Dollars (\$1,000.00), or
314 imprisoned for not more than forty-eight (48) hours in jail, or
315 both; the court * * * must order the person to attend and complete
316 an alcohol safety education program as provided in Section
317 63-11-32 within * * * six (6) months of sentencing. The court may
318 substitute attendance at a victim impact panel instead of
319 forty-eight (48) hours in jail. * * *

320 (ii) Suspension of commercial driving
321 privileges * * * is governed by Section 63-1-216 * * * and
322 suspension of regular driving privileges is governed by Section
323 63-11-23.

324 (iii) A qualifying first offense under subsection
325 (1) of this section may be nonadjudicated by the court under
326 subsection (14) of this section. * * * A person who held a
327 commercial driver's license or a commercial learning permit at the



328 time of an alleged offense is ineligible for nonadjudication of
329 that offense.

330 (b) **Second offense DUI.** (i) * * * Upon any second
331 conviction of any person violating subsection (1) of this section,
332 the offenses being committed within a period of five (5) years,
333 the person shall be guilty of a misdemeanor, fined not less than
334 Six Hundred Dollars (\$600.00) nor more than One Thousand Five
335 Hundred Dollars (\$1,500.00), shall be imprisoned not less than
336 five (5) days nor more than * * * six (6) months and sentenced to
337 community service work for not less than ten (10) days nor more
338 than * * * six (6) months. The minimum penalties shall not be
339 suspended or reduced by the court and no prosecutor shall offer
340 any suspension or sentence reduction as part of a plea
341 bargain. * * *

342 (ii) Suspension of commercial driving
343 privileges * * * is governed by Section 63-1-216 and suspension of
344 regular driving privileges is governed by Section 63-11-23.

345 (c) **Third * * * offense DUI.** (i) * * * For any third
346 conviction of * * * a person violating subsection (1) of this
347 section, the offenses being committed within a period of five (5)
348 years, the person shall be guilty of a felony and fined not less
349 than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand
350 Dollars (\$5,000.00), and shall serve not less than one (1) year
351 nor more than five (5) years in the custody of the Department of
352 Corrections. For any offense that does not result in serious



353 injury or death to any person, the sentence of incarceration may
354 be served in the county jail rather than in the State Penitentiary
355 at the discretion of the circuit court judge. The minimum
356 penalties shall not be suspended or reduced by the court and no
357 prosecutor shall offer any suspension or sentence reduction as
358 part of a plea bargain. * * *

359 (ii) The suspension of commercial driving
360 privileges * * * is governed by Section 63-1-216 and suspension of
361 regular driving privileges is governed by Section 63-11-23.

362 (d) **Fourth and subsequent offense DUI.** (i) For any
363 fourth or subsequent conviction of a violation of subsection (1)
364 of this section within ten (10) years, the person shall be guilty
365 of a felony and fined not less than Three Thousand Dollars
366 (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00), and
367 shall serve not less than two (2) years nor more than ten (10)
368 years in the custody of the Department of Corrections.

369 (ii) The suspension of commercial driving
370 privileges is governed by Section 63-1-216 and suspension of
371 regular driving privileges is governed by Section 63-11-23.

372 (* * * e) * * * Any person convicted of a second or
373 subsequent violation of subsection (1) of this section shall
374 receive an in-depth diagnostic assessment, and if as a result of
375 the assessment is determined to be in need of treatment for
376 alcohol or drug abuse, the person * * * must successfully complete
377 treatment at a program site certified by the Department of Mental



378 Health. Each person who receives a diagnostic assessment shall
379 pay a fee representing the cost of the assessment. Each person
380 who participates in a treatment program shall pay a fee
381 representing the cost of treatment.

382 (* * *f) The use of ignition-interlock devices * * *
383 is governed by Section 63-11-31.

384 (3) **Zero tolerance for minors.** (a) This subsection shall
385 be known and may be cited as Zero Tolerance for Minors. The
386 provisions of this subsection shall apply only when a person under
387 the age of twenty-one (21) years has a blood alcohol concentration
388 of two one-hundredths percent (.02%) or more, but lower than eight
389 one-hundredths percent (.08%). If the person's blood alcohol
390 concentration is eight one-hundredths percent (.08%) or more, the
391 provisions of subsection (2) shall apply.

392 (b) (i) A person under the age of twenty-one (21) is
393 eligible for nonadjudication of a qualifying first offense by the
394 court pursuant to subsection (14) of this section.

395 (ii) Upon conviction of any person under the age
396 of twenty-one (21) years for the first offense of violating
397 subsection (1) of this section where chemical tests provided for
398 under Section 63-11-5 were given, or where chemical test results
399 are not available, the person shall be fined Two Hundred Fifty
400 Dollars (\$250.00); the court shall order the person to attend and
401 complete an alcohol safety education program as provided in
402 Section 63-11-32 within * * * six (6) months. * * *



403 (c) A person under the age of twenty-one (21) years who
404 is convicted of a second violation of subsection (1) of this
405 section, the offenses being committed within a period of five (5)
406 years, shall be fined not more than Five Hundred Dollars
407 (\$500.00). * * *

408 (d) A person under the age of twenty-one (21) years who
409 is convicted of a third or subsequent violation of subsection (1)
410 of this section, the offenses being committed within a period of
411 five (5) years, shall be fined not more than One Thousand Dollars
412 (\$1,000.00) * * *.

413 (e) Any person under the age of twenty-one (21) years
414 convicted of a second violation of subsection (1) of this section,
415 may have the period of driver's license suspension reduced to six
416 (6) months by the court if the person receives an in-depth
417 diagnostic assessment, and as a result of the assessment is
418 determined to be in need of treatment for alcohol or drug abuse
419 and successfully completes treatment for alcohol or drug abuse at
420 a program site certified by the Department of Mental Health. Each
421 person who receives a diagnostic assessment shall pay a fee
422 representing the cost of such assessment. Each person who
423 participates in a treatment program shall pay a fee representing
424 the cost of such treatment.

425 (f) Any person under the age of twenty-one (21) years
426 convicted of a third or subsequent violation of subsection (1) of
427 this section * * * must complete treatment of an alcohol or drug



428 abuse program at a site certified by the Department of Mental
429 Health.

430 (g) The suspension of driving privileges is governed by
431 Section 63-11-23.

432 (4) **DUI test refusal.** In addition to the other penalties
433 provided in this section, every person refusing a law enforcement
434 officer's request to submit to a chemical test of the person's
435 breath as provided in this chapter, or who was unconscious at the
436 time of a chemical test and refused to consent to the introduction
437 of the results of the test in any prosecution, shall suffer an
438 additional administrative suspension of driving privileges as set
439 forth in Section 63-11-23 * * *.

440 (5) **Aggravated DUI.** (a) Every person who operates any
441 motor vehicle in violation of the provisions of subsection (1) of
442 this section and who in a negligent manner causes the death of
443 another or mutilates, disfigures, permanently disables or destroys
444 the tongue, eye, lip, nose or any other limb, organ or member of
445 another shall, upon conviction, be guilty of a separate felony for
446 each victim who suffers death, mutilation, disfigurement or other
447 injury and shall be committed to the custody of the State
448 Department of Corrections for a period of time of not less than
449 five (5) years and not to exceed twenty-five (25) years for each
450 death, mutilation, disfigurement or other injury, and the
451 imprisonment for the second or each subsequent conviction, in the
452 discretion of the court, shall commence either at the termination



453 of the imprisonment for the preceding conviction or run
454 concurrently with the preceding conviction. Any person charged
455 with causing the death of another as described in this subsection
456 shall be required to post bail before being released after arrest.

457 (b) The court may order an ignition-interlock
458 restriction on the offender's privilege to drive as a condition of
459 probation or post-release supervision not to exceed four (4)
460 years.

461 (6) **DUI * * * convictions**. (a) Upon conviction of any
462 violation of subsection (1) of this section, the trial judge shall
463 sign in the place provided on the traffic ticket, citation or
464 affidavit stating that the person arrested either employed an
465 attorney or waived his right to an attorney after having been
466 properly advised. If the person arrested employed an attorney,
467 the name, address and telephone number of the attorney shall be
468 written on the ticket, citation or affidavit. The court
469 clerk * * * must send a copy of the traffic ticket, citation or
470 affidavit, and any other pertinent documents concerning the
471 conviction or other order of the court, to the Department of
472 Public Safety under penalty of law.

473 (b) A copy of the traffic ticket, citation or affidavit
474 and any other pertinent documents, having been attested as true
475 and correct by the Commissioner of Public Safety, or his designee,
476 shall be sufficient proof of the conviction for purposes of



477 determining the enhanced penalty for any subsequent convictions of
478 violations of subsection (1) of this section.

479 (7) **Out-of-state prior convictions.** Convictions in another
480 state, territory or possession of the United States, or under the
481 law of a federally recognized Native American tribe, of violations
482 for driving or operating a vehicle while under the influence of an
483 intoxicating liquor or while under the influence of any other
484 substance that has impaired the person's ability to operate a
485 motor vehicle occurring within five (5) years before an offense
486 shall be counted for the purposes of determining if a violation of
487 subsection (1) of this section is a second, third, fourth or
488 subsequent offense and the penalty that shall be imposed upon
489 conviction for a violation of subsection (1) of this section.

490 (8) **Charging of subsequent offenses.** For the purposes of
491 determining how to impose the sentence for a second, third or
492 subsequent conviction under this section, the affidavit or
493 indictment shall not be required to enumerate previous
494 convictions. It shall only be necessary that the affidavit or
495 indictment states the number of times that the defendant has been
496 convicted and sentenced within the past five (5) years, or ten
497 (10) years if the offense is a fourth or subsequent offense, under
498 this section to determine if an enhanced penalty shall be imposed.
499 The amount of fine and imprisonment imposed in previous
500 convictions shall not be considered in calculating offenses to
501 determine a second, third or subsequent offense of this section.



502 (9) **License eligibility for underage offenders.** * * * A
503 person who is under the legal age to obtain a license to operate a
504 motor vehicle at the time of the offense and who is convicted
505 under this section shall not be eligible to receive a driver's
506 license until the person reaches the age of eighteen (18) years.

507 (10) **License suspensions and restrictions to run**
508 **consecutively.** Suspension or restriction of driving privileges
509 for any person convicted of or nonadjudicated for violations of
510 subsection (1) of this section shall run consecutively and not
511 concurrently.

512 (11) **Ignition interlock.** If the court orders installation
513 and use of an ignition-interlock device as provided in Section
514 63-11-31 for every vehicle operated by a person convicted or
515 nonadjudicated under this section, * * * each device shall be
516 installed, maintained and removed as provided in Section 63-11-31.

517 (12) **DUI child endangerment.** A person over the age of
518 twenty-one (21) who violates subsection (1) of this section while
519 transporting in a motor vehicle a child under the age of sixteen
520 (16) years is guilty of the separate offense of endangering a
521 child by driving under the influence of alcohol or any other
522 substance which has impaired the person's ability to operate a
523 motor vehicle. The offense of endangering a child by driving
524 under the influence of alcohol or any other substance which has
525 impaired the person's ability to operate a motor vehicle shall not
526 be merged with an offense of violating subsection (1) of this



527 section for the purposes of prosecution and sentencing. An
528 offender who is convicted of a violation of this subsection shall
529 be punished as follows:

530 (a) A person who commits a violation of this subsection
531 which does not result in the serious injury or death of a child
532 and which is a first conviction shall be guilty of a misdemeanor
533 and, upon conviction, shall be fined not more than One Thousand
534 Dollars (\$1,000.00) or shall be imprisoned for not more than
535 twelve (12) months, or both;

536 (b) A person who commits a violation of this subsection
537 which does not result in the serious injury or death of a child
538 and which is a second conviction shall be guilty of a misdemeanor
539 and, upon conviction, shall be fined not less than One Thousand
540 Dollars (\$1,000.00) nor more than Five Thousand Dollars
541 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

542 (c) A person who commits a violation of this subsection
543 which does not result in the serious injury or death of a child
544 and which is a third or subsequent conviction shall be guilty of a
545 felony and, upon conviction, shall be fined not less than Ten
546 Thousand Dollars (\$10,000.00) or shall be imprisoned for not less
547 than one (1) year nor more than five (5) years, or both; and

548 (d) A person who commits a violation of this subsection
549 which results in the serious injury or death of a child, without
550 regard to whether the offense was a first, second, third or
551 subsequent offense, shall be guilty of a felony and, upon



552 conviction, shall be punished by a fine of not less than Ten
553 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less
554 than five (5) years nor more than twenty-five (25) years.

555 (13) **Expunction.** (a) Any person convicted under subsection
556 (2) or (3) of this section of a first offense of driving under the
557 influence and who was not the holder of a commercial driver's
558 license or a commercial learning permit at the time of the offense
559 may petition the circuit court of the county in which the
560 conviction was had for an order to expunge the record of the
561 conviction at least five (5) years after successful completion of
562 all terms and conditions of the sentence imposed for the
563 conviction. Expunction under this subsection will only be
564 available to a person:

565 (i) Who has successfully completed all terms and
566 conditions of the sentence imposed for the conviction;

567 (ii) Who did not refuse to submit to a test of his
568 blood or breath;

569 (iii) Whose blood alcohol concentration tested
570 below sixteen one-hundredths percent (.16%) if test results are
571 available;

572 (iv) Who has not been convicted of and does not
573 have pending any other offense of driving under the
574 influence; * * *

575 (v) Who has provided the court with justification
576 as to why the conviction should be expunged * * *;



577 (vi) Who has not previously had the benefit of a
578 nonadjudication or expunction of a violation of subsection (1) of
579 this section.

580 (b) A person is eligible for only one (1) expunction
581 under this subsection, and the Department of Public Safety shall
582 maintain a confidential registry of all cases of expunction under
583 this subsection for the sole purpose of determining a person's
584 eligibility for nonadjudication or as a first offender under this
585 section.

586 (c) The court in its order of expunction shall state in
587 writing the justification for which the expunction was granted and
588 forward the order to the Department of Public Safety within five
589 (5) days of the entry of the order.

590 (14) **Nonadjudication.** (a) For the purposes of this
591 chapter, "nonadjudication" means that the court withholds
592 adjudication of guilt, either at the conclusion of a trial on the
593 merits * * * or upon the entry of a plea of guilt by a
594 defendant * * *, and places the defendant on a nonadjudication
595 program conditioned upon the successful completion of * * * the
596 requirements imposed by the court under this subsection.
597 Nonadjudication under this subsection (14) is only available to
598 Mississippi residents driving under a valid Mississippi drivers'
599 license.

600 (b) * * * A first offense under subsection (1) or (3)
601 of this section that qualifies under this paragraph (b) may be



602 nonadjudicated. A person is eligible for nonadjudication of an
603 offense under this Section 63-11-30 only one (1) time * * * and
604 only for an offender:

605 (i) Who has successfully completed all terms and
606 conditions imposed by the court;

607 (ii) Whose blood alcohol concentration tested
608 below two-tenths percent (.2%) if test results are available;

609 (iii) Who has not previously been convicted of and
610 does not have pending any other offense of driving under the
611 influence; and

612 (iv) Who has provided the court with justification
613 as to why nonadjudication is appropriate.

614 (c) Nonadjudication may be initiated upon the filing of
615 a petition for nonadjudication or at any stage of the proceedings
616 before conviction in the discretion of the court; the court may
617 withhold adjudication of guilt, defer sentencing, and enter an
618 order imposing requirements on the offender for a period of court
619 supervision before the order of nonadjudication is entered.

620 (i) The court shall order the person to:

621 1. Pay the nonadjudication fee imposed under
622 Section 63-11-31 if applicable;

623 2. Pay all fines, penalties and assessments
624 that would have been imposed for conviction;



625 3. Attend and complete an alcohol safety
626 education program as provided in Section 63-11-32 within six (6)
627 months of the date of the order;

628 4. a. If the person violated subsection (1)
629 of this section with regard to alcohol or intoxicating liquor, the
630 person must install an ignition-interlock device on every motor
631 vehicle driven by the person, obtain an interlock-restricted
632 license, and maintain that license for one hundred twenty (120)
633 days * * * or * * * suffer a one-hundred-twenty-day suspension of
634 the person's regular driver's license * * * as provided in Section
635 63-1-23, during which time the person must not operate any
636 vehicle.

637 b. If the person violated subsection (1)
638 of this section by operating a vehicle when under the influence of
639 a substance that has impaired the person's ability to operate a
640 motor vehicle including any drug or controlled substance, the
641 possession of which is unlawful under the Mississippi Controlled
642 Substances Law, the person must submit to a one-hundred-twenty-day
643 period of a nonadjudication program that includes court-ordered
644 drug testing not less than every thirty (30) days or suffer a
645 one-hundred-twenty-day suspension of the person's regular driver's
646 license, during which time the person will not operate any
647 vehicle.

648 (ii) Other conditions * * * that may be imposed by
649 the court * * * include, but are not limited to, alcohol or drug



650 screening, or both, proof that the person has not committed any
651 other traffic violations while under court supervision, proof of
652 immobilization or impoundment of vehicles owned by the offender if
653 required, and attendance at a victim-impact panel.

654 (d) The court may enter an order of nonadjudication
655 only if the court finds, after a hearing, that the offender has
656 successfully completed all conditions imposed by law and previous
657 orders of the court. The court shall retain jurisdiction over
658 cases involving nonadjudication for a period of not more than two
659 (2) years.

660 (e) (i) The clerk, under penalty of law, shall forward
661 a record of every nonadjudicated case to the Department of Public
662 Safety which shall maintain a confidential registry of all cases
663 that are nonadjudicated * * * under this subsection (14).

664 (ii) Judges, clerks and prosecutors involved in
665 the trial of implied consent violations shall have access to the
666 confidential registry for the purpose of determining whether a
667 person has previously been the subject of a nonadjudicated case
668 and 1. is therefore ineligible for another nonadjudication, or 2.
669 is ineligible as a first offender for a violation of subsection
670 (1) of this section.

671 (iii) The Driver Services Bureau of the department
672 shall have access to the confidential registry for the purpose of
673 determining whether a person is eligible for a form of license not



674 restricted to operating a vehicle equipped with an
675 ignition-interlock device.

676 (iv) The Mississippi Alcohol Safety Education
677 Program shall have access to the confidential registry for
678 research purposes only.

679 **SECTION 8.** Section 63-11-31, Mississippi Code of 1972, is
680 amended as follows:

681 63-11-31. (1) (a) The provisions of this section are
682 supplemental to the provisions of Section 63-11-30.

683 (b) (i) "Ignition-interlock device" means a device
684 approved by the Department of Public Safety that connects a motor
685 vehicle ignition system to a breath-alcohol analyzer and prevents
686 a motor vehicle ignition from starting if the driver's blood
687 alcohol level exceeds the calibrated setting on the device.

688 (ii) "Interlock-restricted license" means a
689 driver's license bearing a restriction that limits the person to
690 operation of vehicles equipped with an ignition-interlock device.

691 (c) A person who can exercise the privilege of driving
692 only under an interlock-restricted license * * * must have an
693 ignition-interlock device installed and operating on all motor
694 vehicles driven by the person * * * and must * * * have pending
695 charges under Section 63-11-30 for driving under the influence of
696 any drug or controlled substance under the Mississippi Controlled
697 Substances Law.

698 * * *



699 (2) (a) The cost of installation and operation of an
700 ignition-interlock device shall be borne by the person to whom an
701 interlock-restricted driver's license is issued unless the person
702 is determined by the court to be indigent.

703 (b) (i) A person convicted under Section 63-11-30
704 shall be assessed by the court, in addition to the criminal fines,
705 penalties and assessments provided by law for violations of
706 Section 63-11-30, a fee of Fifty Dollars (\$50.00), to be deposited
707 in the Interlock Device Fund in the State Treasury unless the
708 person is determined by the court to be indigent.

709 (ii) A person nonadjudicated under Section
710 63-11-30 shall be assessed by the court, in addition to the
711 criminal fines, penalties and assessments provided by law for
712 violations of Section 63-11-30, a fee of Two Hundred Fifty Dollars
713 (\$250.00) to be deposited in the Interlock Device Fund in the
714 State Treasury unless the person is determined by the court to be
715 indigent.

716 (3) (a) The Department of Public Safety shall promulgate
717 rules and regulations for the use of an ignition-interlock device.
718 The Department of Public Safety shall approve which vendors shall
719 be used to furnish the systems, may assess fees to the vendors,
720 and shall prescribe the maximum costs to the offender for
721 installation, removal, monthly operation, periodic inspections,
722 calibrations and repairs.



723 (b) A person who has an ignition-interlock device
724 installed in a vehicle shall:

725 (i) Provide proof of the installation of the
726 device and periodic reporting for verification of the proper
727 operation of the device;

728 (ii) Have the system monitored for proper use and
729 accuracy as required by departmental regulation;

730 (iii) Pay the reasonable cost of leasing or
731 buying, monitoring, and maintaining the device unless the person
732 is determined to be indigent.

733 (4) (a) (i) A person who is limited to driving only under
734 an interlock-restricted driver's license shall not operate a
735 vehicle that is not equipped with an ignition-interlock device.

736 (ii) A person prohibited from operating a motor
737 vehicle that is not equipped with an ignition-interlock device may
738 not solicit or have another person attempt to start or start a
739 motor vehicle equipped with such a device.

740 (iii) A person may not start or attempt to start a
741 motor vehicle equipped with an ignition-interlock device for the
742 purpose of providing an operable motor vehicle to a person who is
743 prohibited from operating a motor vehicle that is not equipped
744 with an ignition-interlock device.

745 (iv) A person may not tamper with, or in any way
746 attempt to circumvent, the operation of an ignition-interlock
747 device that has been installed in a motor vehicle.



748 (v) A person may not knowingly provide a motor
749 vehicle not equipped with a functioning ignition-interlock device
750 to another person who the provider of the vehicle knows or should
751 know is prohibited from operating a motor vehicle not equipped
752 with an ignition-interlock device.

753 (b) A violation of this subsection (4) is a misdemeanor
754 and upon conviction the violator shall be fined an amount not less
755 than Two Hundred Fifty Dollars (\$250.00) nor more than One
756 Thousand Dollars (\$1,000.00) or imprisoned for not more than * * *
757 six (6) months, or both, unless the starting of a motor vehicle
758 equipped with an ignition-interlock device is done for the purpose
759 of safety or mechanical repair of the device or the vehicle, and
760 the person subject to the restriction does not operate the
761 vehicle.

762 (5) * * * In order to obtain an interlock-restricted
763 license, a person must:

764 (* * * a) Be otherwise qualified to operate a motor
765 vehicle, and will be subject to all other restrictions on the
766 privilege to drive provided by law;

767 (* * * b) Submit proof that an ignition-interlock
768 device is installed and operating on all motor vehicles driven by
769 the person; and

770 (* * * c) Pay the fee set forth in Section 63-1-43 to
771 obtain the license without regard to indigence; no license
772 reinstatement fee under 63-1-46 shall be charged.



773 * * *

774 (6) (a) In addition to the penalties authorized for any
775 second or subsequent conviction under Section 63-11-30, the court
776 shall order that all vehicles owned by the offender that are not
777 equipped with an ignition-interlock device must be either
778 impounded or immobilized pending further order of the court
779 lifting the offender's driving restriction. However, no county,
780 municipality, sheriff's department or the Department of Public
781 Safety shall be required to keep, store, maintain, serve as a
782 bailee or otherwise exercise custody over a motor vehicle
783 impounded under the provisions of this section. The cost
784 associated with any impoundment or immobilization shall be paid by
785 the person convicted without regard to ability to pay.

786 (b) A person may not tamper with, or in any way attempt
787 to circumvent, vehicle immobilization or impoundment ordered by
788 the court under this section. A violation of this paragraph (b)
789 is a misdemeanor and, upon conviction, the violator shall be fined
790 an amount not less than Two Hundred Fifty Dollars (\$250.00) nor
791 more than One Thousand Dollars (\$1,000.00) or imprisoned for not
792 more than * * * six (6) months, or both.

793 (7) (a) The Department of Public Safety shall promulgate
794 rules and regulations for the use of monies in the Interlock
795 Device Fund to offset the cost of device installation and
796 operation by indigent offenders.



797 (b) The court shall determine a defendant's
798 indigence * * * if the defendant does not have access to adequate
799 resources to pay the ignition interlock fee and the costs of
800 installation and maintenance of an ignition-interlock device and
801 may further base the determination on proof of enrollment in one
802 or more of the following types of public assistance:

803 (i) Temporary Assistance for Needy Families
804 (TANF);

805 (ii) Medicaid assistance;

806 (iii) The Supplemental Nutritional Assistance
807 Program (SNAP), also known as "food stamps";

808 (iv) Supplemental security income (SSI);

809 (v) Participation in a federal food distribution
810 program;

811 (vi) Federal housing assistance;

812 (vii) Unemployment compensation; or

813 (viii) Other criteria * * * determined appropriate
814 by the court.

815 (c) No more than ten percent (10%) of the money in the
816 Interlock Device Fund in any fiscal year shall be expended by the
817 department for the purpose of administering the fund.

818 (d) (i) Money in the Interlock Device Fund will be
819 appropriated to the department to cover part of the costs of
820 installing, removing and leasing ignition-interlock devices for
821 indigent people who are required, * * * because of a conviction or



822 nonadjudication under Section 63-11-30, to install an
823 ignition-interlock device in all vehicles driven by the person.

824 (ii) If money is available in the Interlock Device
825 Fund, the department shall pay to the vendor, for one (1) vehicle
826 per offender, up to Fifty Dollars (\$50.00) for the cost of
827 installation, up to Fifty Dollars (\$50.00) for the cost of
828 removal, and up to Thirty Dollars (\$30.00) monthly for verified
829 active usage of the ignition-interlock device. The department
830 shall not pay any amount above what an offender would be required
831 to pay for the installation, removal or usage of an
832 ignition-interlock device.

833 (8) In order to reinstate a form of driver's license that is
834 not restricted to operation of an ignition-interlock equipped
835 vehicle, the person must submit proof to the Department of Driver
836 Services to substantiate the person's eligibility for an
837 unrestricted license, which may be a court order indicating
838 completion of sentence or order of nonadjudication; in the absence
839 of a court order, the proof may consist of the following or such
840 other proof as the commissioner may set forth by regulation duly
841 adopted under the Administrative Procedures Act:

842 (a) Submit proof of successful completion of an alcohol
843 safety program as provided in Section 63-11-32 if so ordered by
844 the court;

845 (b) Pay the reinstatement fee required under Section
846 63-1-46(1) (a); and



847 (c) Pay the driver's license fee required under Section
848 63-1-43.

849 (9) * * * The court that originally ordered installation of
850 the ignition-interlock device for a violation of Section 63-11-30
851 and a court in the municipality or county in which the violation
852 occurred have jurisdiction over an offense under this section.

853 **SECTION 9.** Section 63-11-37, Mississippi Code of 1972, is
854 amended as follows:

855 63-11-37. (1) It shall be the duty of the * * * clerk of
856 the trial court, upon conviction of * * * a person under Section
857 63-11-30, to mail or otherwise deliver in a method prescribed by
858 the commissioner a true and correct copy of the traffic ticket,
859 citation or affidavit evidencing the arrest that resulted in the
860 conviction and a certified copy of the abstract of the court
861 record within five (5) days to the Commissioner of Public Safety
862 at Jackson, Mississippi. The trial judge in municipal and justice
863 courts shall show on the docket and the trial judge in courts of
864 record shall show on the minutes:

865 (a) Whether * * * a chemical test was given and the
866 results of the test, if any;

867 (b) * * * Whether conviction was based, in whole or in
868 part, on the results of such a test.

869 (2) (a) The abstract of the court record shall show the
870 date of the conviction, the results of the test if there was one,



871 and the penalty, so that a record of same may be made by the
872 Department of Public Safety.

873 (b) The department is the custodian of records of
874 conviction for violations of this chapter, and the record
875 maintained by the department of a person's arrests and
876 convictions, when certified by the department, is a
877 self-authenticating record.

878 (3) For the purposes of Section 63-11-30, a bond forfeiture
879 shall operate as and be considered as a conviction.

880 (4) A trial court clerk who fails to provide a true and
881 correct copy of the traffic ticket, citation or affidavit
882 evidencing the arrest that resulted in the conviction and a copy
883 of the abstract of the court record within five (5) days as
884 required in subsection (1) of this section shall be fined no more
885 than One Hundred Dollars (\$100.00) for each failure to provide
886 such copy.

887 **SECTION 10.** Section 63-1-5, Mississippi Code of 1972, is
888 amended as follows:

889 63-1-5. (1) (a) No person shall drive or operate a motor
890 vehicle or an autocytle as defined in Section 63-3-103 upon the
891 highways of the State of Mississippi without first securing an
892 operator's license to drive on the highways of the state, unless
893 specifically exempted by Section 63-1-7.

894 (b) The types of operator's licenses are:

895 (i) Class R;



896 (ii) Class D;
897 (iii) Class A, B or C commercial license governed
898 by Article 5 of this chapter;
899 (iv) Intermediate license; and
900 (v) * * * Interlock-restricted license as
901 prescribed in Section 63-11-31.

902 (2) (a) Every person who makes application for an original
903 license or a renewal license to operate any single vehicle with a
904 gross weight rating of less than twenty-six thousand one (26,001)
905 pounds or any vehicle towing a vehicle with a gross vehicle weight
906 rating not in excess of ten thousand (10,000) pounds other than
907 vehicles included in Class C, vehicles which require a special
908 endorsement, or to operate a vehicle as a common carrier by motor
909 vehicle, taxicab, passenger coach, dray, contract carrier or
910 private commercial carrier as defined in Section 27-19-3, other
911 than those vehicles for which a Class A, B or C license is
912 required under Article 5 of this chapter, may, in lieu of the
913 Class R regular driver's license, apply for and obtain a Class D
914 driver's license. The fee for the issuance of a Class D driver's
915 license shall be as set forth in Section 63-1-43 and the Class D
916 license shall be valid for the term prescribed in Section 63-1-47.
917 Except as required under Article 5 of this chapter, no driver of a
918 pickup truck shall be required to have a Class D or a commercial
919 license regardless of the purpose for which the pickup truck is
920 used.



921 (b) Persons operating vehicles listed in paragraph (a)
922 of this subsection for private purposes or in emergencies need not
923 obtain a Class D license.

924 (3) An ignition-interlock-restricted license allows a
925 person to drive only a motor vehicle equipped with an
926 ignition-interlock device.

927 (4) A person who violates this section is guilty of a
928 misdemeanor and, upon conviction, may be punished by imprisonment
929 for not less than two (2) days nor more than six (6) months, by a
930 fine of not less than Two Hundred Dollars (\$200.00) nor more than
931 Five Hundred Dollars (\$500.00), or both.

932 **SECTION 11.** Section 63-11-49, Mississippi Code of 1972, that
933 authorized impoundment and forfeiture of a vehicle used in a third
934 or subsequent DUI offense, Section 63-11-51, Mississippi Code of
935 1972, which provides for institution of forfeiture proceedings,
936 and Section 63-11-53, Mississippi Code of 1972, which provides for
937 the disposition of forfeited vehicles, are repealed.

938 **SECTION 12.** Prosecutions, convictions and penalties for
939 violations that were begun or imposed before the effective date of
940 this act under laws amended by this act, and suspensions or
941 denials of driver's licenses, permits or privileges made pursuant
942 to laws amended by this act, shall not be affected or abated by
943 the provisions of this section. Convictions imposed before
944 October 1, 2016, shall be counted for the purpose of determining



945 whether a subsequent prosecution is for a second or subsequent
946 offense under Section 63-11-30.

947 **SECTION 13.** This act shall take effect and be in force from
948 and after October 1, 2016, and shall stand repealed on September
949 30, 2016.

