

# 2017 Changes in DUI Law

**All of the following changes shall take place on October 1, 2017:**

## **Mississippi Code § 63-11-30**

### **Aggravated DUI**

5(c) - The court shall order an ignition-interlock restriction on the offender's privilege to drive as a condition of probation or post-release supervision not to exceed five (5) years unless a longer restriction is required under other law. The ignitions-interlock restriction shall not be applied to commercial license privileges until the driver serves the full disqualification period required by Section 63-1-216.

### **Charging of Subsequent Offenses**

8(a) - For a second or third offense DUI, the affidavit or indictment can state how many times defendant has been sentenced and convicted in the past five (5) years. For a fourth or subsequent, there is no time limit to determine if an enhanced penalty shall be imposed.

8(b) - Before a defendant enters a plea of guilty to an offense under this section, law enforcement must submit certification to the prosecutor that the defendant's driving record, the confidential registry and National Crime Information Center record have been searched for all prior convictions, non-adjudications, pretrial diversions and arrests for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that has impaired the person's ability to operate a motor vehicle. The results of the search must be included in the certification.

### **Non Adjudication**

14(b)(ii) - In regards to non-adjudication, those who have a commercial driver's license OR a commercial learning permit at the time of the offense are ineligible for non-adjudication.

14(e)(ii) - Judges, clerks and prosecutors involved in the trial of implied consent violations and law enforcement officers involved in the issuance of citations for implied consent violations shall have secure online access to the confidential registry for the purpose of determining whether a person has previously been the subject of a nonadjudicated case.

14 (e)(iv) - The Mississippi Alcohol Safety Education Program shall have secure online access to the confidential registry for research purposes only.

Mississippi Code § 63-11-37

4 – A trial court clerk must provide a true and correct copy of the traffic ticket, citation or affidavit evidencing the arrest that resulted in the conviction and a copy of the abstract of the court record within five (5) days of the availability of that information.

**All of the following take place immediately:**

**Rivers McGraw Mental Health Diversion Pilot Program Act (new chapter in MS Code Title 9)**

The act enacts mental health diversion pilot programs to provide court treatment programs including illness screening, clinical assessment, education, referral, and counseling/rehabilitative care. These pilot programs offer a diversionary process for criminal defendants who 1) have not committed violent felonies 2) are not charged with a DUI Death offense or any DUI offense where a person would be ineligible for a nonadjudication 3) are not charged with trafficking in controlled substances.

**Mississippi Code § 99-3-45 (new code section)**

A person under the age of twenty-one (21) who is released under either Section 99-3-17 or 99-3-18 following arrest must be given notice:

- (a) That the person is allowed to call a parent, guardian or custodian in addition to any other opportunity to call that has been afforded to such person; and
- (b) That drug court and other pretrial diversion programs may be available for many offenses