



State:

Mississippi

Statute/Law:

Section 63-11-30: *Operation of vehicle while under influence of intoxicating liquor, drugs or controlled substances, or other substances impairing ability to operate vehicle or with blood alcohol concentrations above specified levels.*

Per Se Law?:

No

Statute/Law Language:

It is unlawful for a person to drive or otherwise operate a vehicle within this state if the person: (a) Is under the influence of intoxicating liquor; (b) Is under the influence of any other substance that has impaired the person's ability to operate a motor vehicle; (c) Is under the influence of any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law; or (d) Has an alcohol concentration in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood, or grams of alcohol per two hundred ten (210) liters of breath, as shown by a chemical analysis of the person's breath, blood or urine administered as authorized by this chapter, of: (i) Eight one-hundredths percent (.08%) or more for a person who is above the legal age to purchase alcoholic beverages under state law; (ii) Two one-hundredths percent (.02%) or more for a person who is below the legal age to purchase alcoholic beverages under state law; or (iii) Four one-hundredths percent (.04%) or more for a person operating a commercial motor vehicle.

Penalties Following Conviction:

For the first offense: Such person shall pay a \$250-\$1,000.00 fine, or imprisoned for not more than 48 hours in jail or both; and the court shall order such person to attend and complete an alcohol safety education program;

For the second offense within 5 years: 5 days - 1 year imprisonment, \$600 (mandatory) - \$1500 fine.

For third offense within 5 years or subsequent offenses (felony): 1 - 5 years in prison, \$2000 (mandatory) - \$5000 fines.

For conviction where there has been negligence resulting in death, disfigurement or disability (felony): Not less than 5 years and not to exceed 25 years imprisonment.





FOR THOSE UNDER THE AGE OF 21: First Offense: Driver's license suspended for 90 days and a fine of \$250.00; Second Offense: if committed within 15 years, fine of no more than \$500 and driver's license suspended for 1 year (hardship not allowed). Suspension of driver's license may be reduced after period of 6 months after license has been suspended if person receives in-depth diagnostic assessment and if determined in need of treatment, completion of successful treatment; Third Offense - if committed within 5 yrs., fine of no more than \$1,000 and driver's license suspended until reaches 21 or 2 yrs, whichever is longer (hardship not allowed). Shall complete alcohol and/or drug abuse program. Hardship not allowed.

Discretionary Court-Ordered Penalties:

Court shall order person to attend & complete an alcohol & safety education program. Court may also require attendance at victim impact panel.

For more information:

<http://www.lawsoft.com/Law/MS/63-11-Formatted.pdf>

Current as of August 2016

