

# Mississippi

Mississippi's all-offender ignition interlock law goes into effect October 2014. Judges have the option to order interlocks as part of diversion agreements for 120 days. As of December 2017, there were 977 interlocks installed in Mississippi. Between 2006 to 2018, interlocks stopped 6,897 attempts to drive drunk, including 1,281 in 2018.

**Why MADD calls the law all-offender? We call it all-offender as in order for a first-time offender can drive during a diversion agreement is via an ignition interlock or the person can not drive at all.**

## Ignition Interlock Law Overview and MADD Legislative Recommendations

How soon can an ignition interlock be installed?		Duration on ignition interlock	Legislative Recommendation
First offense	Upon arrest	120 days	<i>Require interlock use for any non-adjudication (diversion agreement and allow for the use of interlock upon arrest for repeat/refusals.</i>
Second offense	Unclear	1 year	
First refusal	Unclear	90 to 180 days	

### Compliance Based Removal?

**Yes**

Interlocks users must prove to Department of Public Safety (DPS) that none of the following incidences occurred within the last 30 days: 1) an attempt to start the vehicle with a BAC of .04 or more, 2) failure to take or pass any required retest, 3) Failure of the person to appear at the interlock vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

### Day-for-Day Credit for early installation?

**Yes**

### Do plea agreements or reductions in the original DUI charge include the requirement of an interlock?

**No**

### Legislative Recommendation

*As part of any non-adjudication agreement, allow a first-time apprehended drunk driver who did not cause an injury or property damage crash, and successfully completes six continuous months on an ignition interlock and completes other court or department conditions to be granted a plea deal.*

### Indigent Program?

**Yes**

The Court determines indigency based of enrollment in any of the following programs: 1) Temporary Assistance for Needy Families (TANF), 2) Medicaid assistance, 3) The Supplemental Nutritional Assistance Program (SNAP), 4) Supplemental security income (SSI), 5) Participation in a federal food distribution program, 6) Federal housing assistance, 7) unemployment compensation. No more than 10% of the money in the Interlock Device Fund in any fiscal year shall be expended by the department for the purpose of administering the fund.

### Interlock user fees (not including leasing costs of the device)

**Yes**

Must pay a \$50 interlock license fee to DPS and \$100 reinstatement fee after interlock period is over to DPS. An offender who enters into a diversion agreement must also pay a \$250 fee. If the person chooses not to go an interlock, he or she must pay a \$175 reinstatement fee at the end of license suspension period.