

IN THE JUSTICE COURT OF RANKIN COUNTY, MISSISSIPPI

DEFENDANT _____

BOOK _____ PAGE _____

**ZERO TOLERANCE FOR MINORS
SENTENCING ORDER FOR SECOND CONVICTION OF
VIOLATING SUBSECTION (1) OF *MISS. CODE ANN. § 63-11-30***

THIS CAUSE came on for sentencing of the Defendant upon a second conviction of violating subsection (1) of *Miss. Code Ann. § 63-11-30*, the offenses being committed within a period of five (5) years and the Court being satisfied that it has jurisdiction of the parties and the subject matter, hereby finds that the Defendant, on the date of the offense, was under the age of twenty-one (21) years and had a blood alcohol concentration two one-hundredths percent (.02%) or more, but lower than eight one-hundredths percent (.08%).

IT IS, THEREFORE, ORDERED:

1.

The Defendant shall:

(a) be fined \$ _____; *(not more than \$500.00 and no portion of the fine may be suspended)*

(b) have his driver's license suspended for one year;

(c) on or before _____, receive an in-depth diagnostic assessment at a facility approved by the Court, and if as a result of such assessment is determined, by the assessor, to be in need of treatment of his alcohol and/or drug abuse problem, he shall, on or before _____, successfully complete treatment of his alcohol and/or drug abuse problem at a program site certified by the Department of Mental Health; and

(d) _____

2. *(Choose one)*

All vehicles registered to the Defendant shall be

(Choose one)

impounded

immobilized by a steering wheel locking device commonly referred to as the "CLUB" for the entire length of license suspension to occur during the driver's license suspension period.

An ignition interlock device shall, on or before _____, be installed on the Defendant's vehicle in lieu of impoundment or immobilization because the Court finds that other licensed drivers living in the Defendant's household are dependent upon such vehicle for necessary transportation.

3.

An ignition interlock device shall be installed on all vehicles registered to the Defendant for a period of one year (*minimum period of six (6) months*) to occur upon reinstatement of the Defendant's driver's license. (*if the court determines it is a vehicle to which the person has access and which should be subject to ignition interlock*)

4.

Such ignition interlock device shall be calibrated to prevent the motor vehicle from being started unless the driver's blood alcohol concentration is lower than two one-hundredths percent (.02%) (*not less than two one-hundredths percent (.02%) nor more than four one-hundredths percent (.04%)*).

5.

The Department of Public Safety ("Department") shall be notified of this Order and is hereby directed (a) that the records of the Department shall reflect that the Defendant may not operate a motor vehicle that is not equipped with an ignition interlock device; and (b) to attach or imprint a notation on the driver's license of the Defendant stating that he may operate only a motor vehicle equipped with an ignition interlock device.

6.

The Defendant shall:

(a) at least ten (10) days prior to the reinstatement of his driver's license, provide the Justice Court Clerk with proof of the installation of the ignition interlock device;

(b) have the ignition interlock device monitored quarterly (*at least semiannually, or more frequently as the circumstances may require*) for proper use and accuracy by an entity approved by the Department;

(c) provide the Justice Court Clerk with reports of the verification of the proper operation of the ignition interlock device with such reports to be provided to the Justice Court Clerk on or before the 1st day of January immediately following his driver's license reinstatement; the 1st day of April immediately following his driver's license reinstatement; the 1st day of July immediately following his driver's license reinstatement; and the 1st day of October immediately following his driver's license reinstatement; and

(d) pay the reasonable cost of leasing or buying, monitoring, and maintaining the ignition interlock device.

7.

The cost associated with impoundment, immobilization or an ignition interlock device shall be paid by the Defendant. For the purpose of this Order, "ignition interlock device" means an "ignition interlock device" as defined in the Mississippi Implied Consent Law.

SO ORDERED, this the ____ day of _____, 20____.

Justice Court Judge