CHECKLIST FOR TRAFFIC SAFETY COURSE
FOR VIOLATIONS OF CHAPTER 3, 5 OR 7 OF TITLE 63

_____ The defendant enters a plea of nolo contendere or guilty in person or in writing.

_____ The defendant, in person or by mail postmarked on or before the appearance date on the citation, presents to the court an oral or written request to participate in a course under § 63-9-11(3).

_____ The defendant has a **valid** Mississippi driver's license or permit

OR

_____ An out-of-state resident has a **valid** driver's license or permit issued by their home state.

_____ The defendant has not had a conviction of a violation under Chapter 3, 5 or 7 of title 63 within three (3) years before the current offense (any conviction entered before October 1, 2002, does not constitute a prior offense).

_____ The defendant's public and nonpublic driving record as maintained by the Department of Public Safety does not indicate successful completion of a traffic safety violator course under this section in the three-year period before the offense.

_____ The defendant files an affidavit with the court stating that this is the defendant's first conviction in more than three (3) years or since October 1, 2002, whichever is the lesser period of time; the defendant is not in the process of taking a course under this section; and the defendant has not completed a course under this section that is not yet reflected on the defendant's public or nonpublic driving record.

_____ The offense charged is for a misdemeanor offense under Chapter 3, 5 or 7 of title 63.

_____ The defendant pays the applicable fine, costs and any assessments required by law to be paid upon conviction of such an offense.

_____ The defendant pays to the court an additional fee of Ten Dollars ($10.00) to elect to proceed under the provisions of this subsection (3).

PLEA

_____ Nolo Contendere or Guilty

The court shall withhold acceptance of the plea and defer sentencing in order to allow the eligible defendant ninety (90) days to successfully complete not less than four (4) hours of a court-approved traffic safety violator course at the cost of the defendant. Upon proof of successful completion entered with the court, the court shall dismiss the prosecution and direct that the case be closed.

_____ Not Guilty but Convicted

Upon request of the defendant the court shall suspend the sentence for such offense to allow the defendant forty-five (45) days to successfully complete not less than four (4) hours of a court-approved traffic safety violator course at his own cost. Upon successful completion by the defendant of the course, the court shall set the conviction aside, dismiss the prosecution and direct that the case be closed. The court on its own motion shall expunge the record of the conviction, and the only record maintained thereafter shall be the nonpublic record required under Section 63-9-17 solely for use by the courts in determining an offender's eligibility under this subsection (3).

*An out-of-state resident with a **valid** driver's license or permit issued by their home state, shall be allowed to complete a substantially similar program in his home state, province or country.

**A court shall inform a defendant making inquiry or entering a personal appearance of the provisions of this subsection (3).