

STATE OF MISSISSIPPI



JIM HOOD  
ATTORNEY GENERAL

CIVIL LITIGATION DIVISION

April 7, 2017

**Via Email and U.S. Mail**

Samuel Brooke, Esq.  
Deputy Legal Director  
Southern Poverty Law Center  
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Montgomery, AL 36104  
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Dear Mr. Brooke:

As a follow-up to our conversation this afternoon, and on behalf of the Mississippi Department of Public Safety (the "Department"), thank you for meeting with us previously in January 2017, and more recently on Tuesday, April 3, regarding the Department's drivers' license suspension process under current Mississippi Code Section 63-1-53. Our meetings have been productive, and the Department looks forward to further discussions with Southern Poverty Law Center ("SPLC"), MacArthur Justice Center ("MJC"), and other interested parties.

The Department has considered SPLC's position regarding suspensions of individuals' drivers' license privileges pursuant to Mississippi Code Section 63-1-53(1) and (2)(h) for non-payment of court assessed fines and fees. The Department has made an official policy decision to undertake to restore the drivers' license privileges of all current valid Mississippi drivers' license holders previously suspended solely due to non-payment of court assessed fines and fees pursuant to Mississippi Code Section 63-1-53(1) and (2)(h). The official process of restoring drivers' license privileges for all these affected drivers has already begun, and will be completed as soon as possible. The Department will provide written notices to all such drivers at their last known address on file via U.S. Mail within a reasonable time in due course. The Department will waive the \$100.00 reinstatement fee associated with restoration of privileges for all drivers benefitting from this official policy decision.

Additionally, for drivers whose license privileges have been suspended for multiple reasons, including grounds other than non-payment of court assessed fines and fees pursuant to Mississippi Code Sections 63-1-53(1) and (2)(h), the driver's suspension will continue. However, the Department will remove the non-payment basis(es) for suspension of license

privileges tied to those code provisions. Affected drivers will be provided written notice of the Department's action at their last known address on file via U.S. Mail within a reasonable time in due course.

The Department is not currently enforcing Mississippi Code Section 63-1-53(1) and (2)(h) against any individual drivers who fail to pay court assessed fines and fees. As you know, the Department has not enforced those code provisions since January 2017—when the Department and SPLC agreed the Department would not implement any new suspensions premised on those code provisions pending potential statutory modifications during the 2017 Regular Legislative Session. Obviously, no legislative modifications occurred. The Department has therefore made an official decision to maintain its current policy of not suspending the drivers' license privileges of drivers for non-payment of court assessed fines and fees pursuant to Mississippi Code Section 63-1-53(1) and (2)(h). This official policy will remain in place until future potential and significant developments occur, including, but not limited to: an assessment of the impact of the new Mississippi Rules of Criminal Procedure (set to take effect July 1, 2017) on state court proceedings regarding assessment and collection of fines and fees; changes to the Department's regulations on the subject enacted through the Mississippi Administrative Procedures Act; and/or future modifications to the relevant statutory scheme enacted by the Mississippi Legislature.

The Department's official policy outlined above eliminates any current or impending controversy regarding Mississippi Code Sections 63-1-53(1) and (2)(h) which may have previously existed between or among the Department, SPLC, and/or anyone else. Nevertheless, we are interested in continuing our thus far productive dialogue with SPLC and others regarding the subject. The Department welcomes SPLC's, MJC's, and other interested parties' input regarding steps that may be taken by the Department to notify the public and local courts of its official policy, future changes to the statutory scheme and processes for suspensions for non-payment of court assessed fines and fees, and other related issues. In the meantime, as explained above, it is and will remain the Department's official position that—in the interest of the Department, SPLC and its clients, and the public—the Department will not enforce current Mississippi Code Section 63-1-53(1) and (2)(h) by suspending the driving privileges of drivers solely for non-payment of court assessed fines and fees, absent official, significant, and formal changes to the governing laws and processes involved.

Sincerely,



Harold E. Pizzetta, III  
Assistant Attorney General

HEP:fh