

By: Representative Horne

To: Transportation

HOUSE BILL NO. 26

1 AN ACT TO AMEND SECTIONS 45-1-21 AND 45-29-3, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT CERTAIN MOTOR VEHICLE VIOLATION
3 RECORDS MAINTAINED BY THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY
4 SHALL BE CONFIDENTIAL AND SHALL BE EXEMPT FROM THE PROVISIONS OF
5 THE MISSISSIPPI PUBLIC RECORDS LAW; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 45-1-21, Mississippi Code of 1972, is
8 amended as follows:

9 45-1-21. The Mississippi Department of Public Safety being
10 required by law to keep various records and perform various
11 services and being authorized to furnish certain records and
12 services, said department, by direction of the Commissioner of
13 Public Safety, shall establish and collect for such services a
14 proper fee, commensurate with the service rendered and the cost of
15 such service for the furnishing of any record or abstract thereof
16 in the Department of Public Safety now or which may hereafter be
17 required by law to be kept by said department, any photograph or
18 photo copy or any report of any kind authorized by law, including
19 services for polygraph tests and reports thereof.

20 No records shall be furnished by the Mississippi Department
21 of Public Safety which are classified as confidential by law.
22 Records compiled and maintained by the Mississippi Department of
23 Public Safety which identify individuals who have been charged or
24 convicted of motor vehicle violations shall be confidential. All
25 fees collected under this section shall be paid into the General
26 Fund of the State Treasury in accordance with the provisions of
27 Section 45-1-23(2).

28 Provided, however, that any amount of said fee set in excess
29 of those fees set in the schedule of fees on file with the
30 Secretary of State under the Administrative Procedures Act as of
31 November 1, 1990, shall be deposited by the State Treasurer to the
32 credit of a special fund hereby created in the State Treasury and
33 designated the Department of Public Safety Administrative Fund.
34 Monies deposited in such fund shall be expended by the Department
35 of Public Safety, as authorized and appropriated by the
36 Legislature, to defray the expenses of the department. Any
37 revenue in the fund which is not encumbered at the end of the
38 fiscal year shall lapse to the State General Fund.

39 SECTION 2. Section 45-29-3, Mississippi Code of 1972, is
40 amended as follows:

41 45-29-3. The following records shall be exempt from the
42 provisions of the Mississippi Public Records Law of 1983: (a)
43 records which are in the possession of a public body, as defined
44 by paragraph (a) of Section 25-61-3, that performs as one of its
45 principal functions activities pertaining to the enforcement of
46 criminal laws, the apprehension of criminal offenders or the
47 investigation of criminal offenders and/or criminal activities,
48 and which records consist of information compiled for the purpose
49 of a criminal investigation, including reports of informants and
50 investigators, and associated with an identifiable individual; and
51 (b) records compiled and maintained by the Mississippi Department
52 of Public Safety which identify individuals who have been charged
53 or convicted of motor vehicle violations.

54 SECTION 3. This act shall take effect and be in force from
55 and after July 1, 1999.