

By: Senator(s) Smith

To: Judiciary

SENATE BILL NO. 2272

1 AN ACT TO AMEND SECTION 25-61-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT INCARCERATED INMATES DO NOT HAVE THE RIGHT TO ACCESS
3 PUBLIC RECORDS EXCEPT THOSE RECORDS RELATING TO THE INMATE'S
4 HEALTH OR THE INMATE'S DEFENSE IN CRIMINAL PROSECUTIONS; AND FOR
5 RELATED PURPOSES.

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

7 SECTION 1. Section 25-61-5, Mississippi Code of 1972, is
8 amended as follows:

9 25-61-5. (1) Except as otherwise provided by Sections
10 25-61-9 and 25-61-11, all public records are hereby declared to be
11 public property, and any person shall have the right to inspect,
12 copy or mechanically reproduce or obtain a reproduction of any
13 public record of a public body in accordance with reasonable
14 written procedures adopted by the public body concerning the cost,
15 time, place and method of access, and public notice of the
16 procedures shall be given by the public body, or, in the event
17 that a public body has not adopted such written procedures, the
18 right to inspect, copy or mechanically reproduce or obtain a
19 reproduction of a public record of the public body shall be
20 provided within one (1) working day after a written request for a
21 public record is made. No public body shall adopt procedures
22 which will authorize the public body to produce or deny production
23 of a public record later than fourteen (14) working days from the
24 date of request for the production of such record.

25 (2) Denial by a public body of a request for access to or
26 copies of public records under this chapter shall be in writing
27 and shall contain a statement of the specific reasons for the

28 denial. Each public body shall maintain a file of all denials of
29 requests for public records. Public bodies shall be required to
30 preserve such denials on file for not less than three (3) years
31 from the date such denials are made. This file shall be made
32 available for inspection and/or copying during regular office
33 hours to any person upon written request.

34 (3) This section shall not be construed to convey any right
35 to a person incarcerated in a local, state, federal or private
36 correctional facility. This subsection shall not be construed to
37 prevent an incarcerated person from exercising his
38 constitutionally protected rights related to his criminal case or
39 from accessing records related to the incarcerated person's
40 health.

41 SECTION 2. This act shall take effect and be in force from
42 and after July 1, 1999.