

By: Senator(s) Bean

To: Judiciary

SENATE BILL NO. 2528
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-1-23, MISSISSIPPI CODE OF 1972, TO
2 GRANT SUBPOENA POWER TO THE FRAUD INVESTIGATION UNIT OF THE STATE
3 DEPARTMENT OF HUMAN SERVICES; TO PROVIDE THAT ANY SUBPOENAS SHALL
4 BE ISSUED WITH THE APPROVAL OF A JUDGE; AND FOR RELATED PURPOSES.

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

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7 SECTION 1. Section 43-1-23, Mississippi Code of 1972, is

8 amended as follows:

9 43-1-23. (1) There is created within the State Department
10 of Human Services a separate administrative unit to be known as
11 the "Fraud Investigation Unit." The Fraud Investigation Unit
12 shall be headed by a director appointed by the Executive Director
13 of the department. The Director of the Fraud Investigation Unit
14 shall be a person who is knowledgeable in the programs
15 administered by the department. The Fraud Investigation Unit
16 shall be responsible for:

17 (a) Conducting investigations for the purpose of aiding
18 the department in the detection of and verification of the
19 perpetration of fraud or abuse of any program by any client, any
20 vendor of services with whom the department has contracted or any
21 employee of the department, and for the aiding of the department
22 in the recoupment of any funds owed to the department as a result
23 of fraud or abuse;

24 (b) The notification and forwarding of any information
25 relevant to possible criminal violations to the appropriate
26 prosecuting authority and assisting in the prosecution of any case
27 referred to a prosecutor, if requested; and

28 (c) Such other duties as prescribed in regulations of

29 the department.

30 (2) The Fraud Investigation Unit is authorized to employ
31 such other investigative, technical, secretarial and support staff
32 as may be necessary.

33 (3) In order to carry out the responsibilities of the Fraud
34 Investigation Unit, the investigators may request and receive
35 assistance from all state and local agencies, boards, commissions,
36 and bureaus including, without limitation, the State Tax
37 Commission, the Department of Public Safety, and all public and
38 private agencies maintaining data banks, criminal or other records
39 that would enable the investigators to make verification of fraud
40 or abuse in violation of state or federal statutes. All records
41 and information shall be confidential and shall be available only
42 to the Fraud Investigation Unit, district or county attorneys, the
43 Attorney General, and courts having jurisdiction in criminal
44 proceedings.

45 (4) The department is authorized to enter into contracts
46 with other agencies administering aid or benefits or services
47 under any state or federally funded assistance program which need
48 the assistance of the department's Fraud Investigation Unit.

49 (5) To accomplish the objectives and to carry out the duties
50 prescribed in this section, the executive director, or his
51 designee, in addition to the powers conferred by this section, may
52 issue subpoenas with the approval of, and returnable to, a judge
53 of the circuit, county or chancery court, in termtime or in
54 vacation, to examine the records, documents or other evidence of
55 persons, firms, corporations or any other entities insofar as such
56 records, documents or other evidence relate to dealings material
57 to an investigation.

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