

By: Turner

To: Judiciary

SENATE BILL NO. 3071

1 AN ACT TO AMEND SECTIONS 45-29-1 AND 45-29-3, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE PUBLIC RECORDS ACT EXEMPTIONS; AND FOR
3 RELATED PURPOSES.

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

5 SECTION 1. Section 45-29-1, Mississippi Code of 1972, is
6 amended as follows:[CSQ1]

7 45-29-1. (1) Records in the possession of a public body, as
8 defined by paragraph (a) of section 25-61-3, which are not
9 otherwise protected by law, that (i) are compiled in the process
10 of detecting and investigating any unlawful activity or alleged
11 unlawful activity, the disclosure of which would harm such
12 investigation; (ii) would reveal the identity of informants; (iii)
13 would prematurely release information that would impede the public
14 body's enforcement, investigative or detection efforts in such
15 proceedings; (iv) would disclose investigatory techniques; (v)
16 would deprive a person of a right to a fair trial or an impartial
17 adjudication; (vi) would endanger the life or safety of a public
18 official or law enforcement personnel; or (vii) are matters
19 pertaining to quality control or PEER review activities, shall be
20 exempt from the provisions of the Mississippi Public Records Act
21 of 1983, except for arrest records and incident reports.

22 (2) Nothing in this section shall be construed to prevent
23 any and all public bodies from having among themselves a free flow
24 of information for the purpose of achieving a coordinated and
25 effective detection and investigation of unlawful activity. Where
26 the confidentiality of records covered by this section is being

27 determined in a private hearing before a judge as provided for by
28 subsection (2) of section 25-61-13, the public body may delete or
29 separate from such records the identity of confidential informants
30 or the identity of the person or persons under investigation.

31 SECTION 2. Section 45-29-3, Mississippi Code of 1972, is
32 amended as follows:[CSQ2]

33 45-29-3. The following records, except for arrest records
34 and incident reports, shall be exempt from the provisions of the
35 Mississippi Public Records Law of 1983: records which are in the
36 possession of a public body, as defined by paragraph (a) of
37 Section 25-61-3, that performs as one of its principal functions
38 activities pertaining to the enforcement of criminal laws, the
39 apprehension of criminal offenders or the investigation of
40 criminal offenders and/or criminal activities, and which records
41 consist of information compiled for the purpose of a criminal
42 investigation, including reports of informants and investigators,
43 and associated with an identifiable individual.

44 SECTION 3. This act shall take effect and be in force from
45 and after July 1, 2000.