

By: Representative Mayo

To: Judiciary B

HOUSE BILL NO. 713

1 AN ACT TO AMEND SECTION 25-61-7, MISSISSIPPI CODE OF 1972, TO  
2 EXEMPT GOVERNMENTAL AND INVESTIGATIVE LAW ENFORCEMENT AGENCIES  
3 CONDUCTING CRIMINAL RECORDS CHECKS FROM FEES ESTABLISHED FOR COSTS  
4 INCIDENT TO PROVIDING RECORDS UNDER THE OPEN RECORDS ACT; AND FOR  
5 RELATED PURPOSES.

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

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

9 25-61-7. (1) Except as otherwise provided in this  
10 subsection and in subsection (2) of this section, each public body  
11 may establish and collect fees reasonably calculated to reimburse  
12 it for, and in no case to exceed, the actual cost of searching,  
13 reviewing and/or duplicating and, if applicable, mailing copies of  
14 public records. However, a governmental or investigative law  
15 enforcement agency that is conducting a criminal records check is  
16 exempt from any fees established under this subsection. Such fees  
17 shall be collected by the public body in advance of complying with  
18 the request.

19 (2) A public body may establish a standard fee scale to  
20 reimburse it for the costs of creating, acquiring and maintaining  
21 a geographic information system or multipurpose cadastre, as  
22 authorized and defined under the Mississippi Public Records Act of  
23 1983, or any other electronically accessible data. Such fees must  
24 be reasonably related to the cost of creating, acquiring and  
25 maintaining the geographic information system, multipurpose  
26 cadastre or other electronically accessible data, for the data or  
27 information contained therein or taken therefrom, and for any  
28 records, papers, accounts, maps, photographs, films, cards, tapes,

29 recordings or other materials, data or information relating  
30 thereto, whether in printed, digital or other format. In  
31 determining the fees or charges under this subsection, the public  
32 body may consider the type of information requested, the purpose  
33 or purposes for which the information has been requested and the  
34 commercial value of the information.

35 SECTION 2. This act shall take effect and be in force from  
36 and after July 1, 2001.