HOUSE BILL NO. 713

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

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

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

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

(2) A public body may establish a standard fee scale to reimburse it for the costs of creating, acquiring and maintaining a geographic information system or multipurpose cadastre, as authorized and defined under the Mississippi Public Records Act of 1983, or any other electronically accessible data. Such fees must be reasonably related to the cost of creating, acquiring and maintaining the geographic information system, multipurpose cadastre or other electronically accessible data, for the data or information contained therein or taken therefrom, and for any records, papers, accounts, maps, photographs, films, cards, tapes,
recordings or other materials, data or information relating thereto, whether in printed, digital or other format. In determining the fees or charges under this subsection, the public body may consider the type of information requested, the purpose or purposes for which the information has been requested and the commercial value of the information.

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