

By: Senator(s) Carlton

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2986

1 AN ACT TO REVISE SEX OFFENDER REGISTRATION; TO AMEND SECTION
2 45-33-23, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS; TO
3 AMEND SECTION 45-33-25, MISSISSIPPI CODE OF 1972, TO REVISE THE
4 REGISTRATION INFORMATION REQUIRED; TO AMEND SECTION 45-33-27,
5 MISSISSIPPI CODE OF 1972, TO REVISE THE TIME FRAME FOR
6 REGISTRATION; TO AMEND SECTION 45-33-29, MISSISSIPPI CODE OF 1972,
7 TO REVISE AN OFFENDER'S DUTY TO NOTIFY THE DEPARTMENT OF CHANGES;
8 TO AMEND SECTION 45-33-31, MISSISSIPPI CODE OF 1972, TO REVISE
9 REREGISTRATION; TO AMEND SECTION 45-33-33, MISSISSIPPI CODE OF
10 1972, TO REVISE PENALTIES FOR FAILURE TO REGISTER; TO AMEND
11 SECTION 45-33-35, MISSISSIPPI CODE OF 1972, TO REVISE THE CENTRAL
12 REGISTRY OF OFFENDERS; TO AMEND SECTION 45-33-37, MISSISSIPPI CODE
13 OF 1972, TO CONFORM; TO REPEAL SECTION 45-33-45, MISSISSIPPI CODE
14 OF 1972, WHICH SETS STANDARDS FOR THE DESIGNATION OF SEXUAL
15 PREDATORS; TO AMEND SECTION 45-33-47, MISSISSIPPI CODE OF 1972, TO
16 REVISE THE RELIEF FROM THE DUTY TO REGISTER; TO AMEND SECTION
17 45-33-49, MISSISSIPPI CODE OF 1972, TO REVISE PUBLIC NOTIFICATION;
18 TO AMEND SECTION 37-9-17, MISSISSIPPI CODE OF 1972, TO REVISE THE
19 CENTRAL REGISTRY OF OFFENDERS; TO REVISE THE MISSISSIPPI JUSTICE
20 INFORMATION CENTER ACT; TO AMEND SECTION 45-27-1, MISSISSIPPI CODE
21 OF 1972, TO CLARIFY THE RECORD-KEEPING DUTIES OF THE CENTER; TO
22 AMEND SECTION 45-27-3, MISSISSIPPI CODE OF 1972, TO REVISE
23 DEFINITIONS; TO AMEND SECTION 45-27-7, MISSISSIPPI CODE OF 1972,
24 TO REVISE THE DUTIES AND FUNCTIONS OF THE JUSTICE INFORMATION
25 CENTER; TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION 45-27-8,
26 MISSISSIPPI CODE OF 1972, TO AUTHORIZE IMPOSITION OF FEES; TO
27 AMEND SECTION 45-27-9, MISSISSIPPI CODE OF 1972, TO REVISE
28 SUBMISSION OF DATA BY CRIMINAL JUSTICE AGENCIES; TO AMEND SECTION
29 45-27-11, MISSISSIPPI CODE OF 1972, TO REVISE THE INSPECTION OF,
30 AND CORRECTION OF ERRORS IN, RECORDS; TO CODIFY SECTION 45-27-12,
31 MISSISSIPPI CODE OF 1972, TO PERMIT DISSEMINATION OF INFORMATION
32 FOR CERTAIN NONCRIMINAL USES; TO AMEND SECTION 45-27-13,
33 MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES FOR VIOLATIONS; TO
34 AMEND SECTION 45-27-17, MISSISSIPPI CODE OF 1972, TO REVISE THE
35 SHARING OF COSTS OF OPERATION OF THE CENTER; TO CREATE A NEW
36 SECTION TO BE CODIFIED AS SECTION 45-27-19, MISSISSIPPI CODE OF
37 1972, TO PROVIDE THAT THE CENTER'S RECORDS ARE EXEMPT FROM THE
38 PUBLIC RECORDS LAW; AND FOR RELATED PURPOSES.

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

40 SECTION 1. Section 45-33-23, Mississippi Code of 1972, is
41 amended as follows:

42 45-33-23. For the purposes of this chapter, the following
43 words shall have the meanings ascribed herein unless the context
44 clearly requires otherwise:



45 (a) "Conviction" shall mean that, regarding the
46 person's offense, there has been a determination or judgment of
47 guilt as a result of a trial or the entry of a plea of guilty or
48 nolo contendere regardless of whether adjudication is withheld.
49 "Conviction of similar offenses" includes, but is not limited to,
50 a conviction by a federal or military tribunal, including a court
51 martial conducted by the Armed Forces of the United States, a
52 conviction for an offense committed on an Indian Reservation or
53 other federal property, and a conviction in any state of the
54 United States.

55 (b) "Jurisdiction" shall mean any state court, federal
56 court, military court or Indian tribunal.

57 (c) "Permanent residence" is defined as a place where
58 the person abides, lodges, or resides for a period of fourteen
59 (14) or more consecutive days.

60 (d) "Registration" means providing information to the
61 appropriate agency within the timeframe specified as required by
62 this chapter.

63 (e) "Registration duties" means obtaining the
64 registration information required on the form specified by the
65 department as well as the photograph, fingerprints, and biological
66 sample of the registrant. Biological samples are to be forwarded
67 to the State Crime Laboratory pursuant to Section 45-33-37; the
68 photograph, fingerprints and other registration information are to
69 be forwarded to the Department of Public Safety within three (3)
70 days of registration.

71 (f) "Responsible agency" is defined as the person or
72 government entity whose duty it is to obtain information from a
73 criminal sex offender upon conviction and to transmit that
74 information to the Mississippi Department of Public Safety.

75 (i) For a criminal sex offender being released
76 from the custody of the Department of Corrections, the responsible
77 agency is the Department of Corrections.



78 (ii) For a criminal sex offender being released
79 from a county jail, the responsible agency is the sheriff of that
80 county.

81 (iii) For a criminal sex offender being released
82 from a municipal jail, the responsible agency is the police
83 department of that municipality.

84 (iv) For a sex offender in the custody of youth
85 court, the responsible agency is the youth court.

86 (v) For a criminal sex offender who is being
87 placed on probation, including conditional discharge or
88 unconditional discharge, without any sentence of incarceration,
89 the responsible agency is the sentencing court.

90 (vi) For an offender who has been committed to a
91 mental institution following an acquittal by reason of insanity,
92 the responsible agency is the facility from which the offender is
93 released. Specifically, the director of said facility shall
94 notify the Department of Public Safety prior to the offender's
95 release.

96 (vii) For a criminal sex offender who is being
97 released from a jurisdiction outside this state or who has a prior
98 conviction in another state and who is to reside in this state,
99 the responsible agency is the Department of Public Safety.

100 (g) "Sex offense" means any of the following offenses:

101 (i) Section 97-3-53 relating to kidnapping, if the
102 victim was below the age of eighteen (18);

103 (ii) Section 97-3-65 relating to rape; however,
104 conviction or adjudication under Section 97-3-65(1)(a), when the
105 offender was eighteen (18) years of age or younger at the time of
106 the alleged offense, shall not be a registrable sex offense;

107 (iii) Section 97-3-71 relating to rape and assault
108 with intent to ravish;

109 (iv) Section 97-3-95 relating to sexual battery;
110 however, conviction or adjudication under Section 97-3-95(1)(c),



111 when the offender was eighteen (18) years of age or younger at the
112 time of the alleged offense, shall not be a registrable sex
113 offense;

114 (v) Section 97-5-5 relating to enticing child for
115 concealment, prostitution or marriage;

116 (vi) Section 97-5-23 relating to the touching of a
117 child for lustful purposes;

118 (vii) Section 97-5-27 relating to the
119 dissemination of sexually oriented material to children;

120 (viii) Section 97-5-33 relating to the
121 exploitation of children;

122 (ix) Section 97-5-41 relating to the carnal
123 knowledge of a stepchild, adopted child or child of a cohabiting
124 partner;

125 (x) Section 97-29-59 relating to unnatural
126 intercourse;

127 (xi) Section 97-1-7 relating to attempt to commit
128 any of the above-referenced offenses;

129 (xii) Section 97-29-3 relating to adultery or
130 fornication between teacher and pupil;

131 (xiii) Any other offense resulting in a conviction
132 in another jurisdiction, whether state, federal or military,
133 which, if committed in this state, would be deemed to be such a
134 crime without regard to its designation elsewhere; * * *

135 (xiv) Any offense resulting in a conviction in
136 another jurisdiction, whether state, federal or military, for
137 which registration is required * * *;

138 * * *

139 (h) "Temporary residence" is defined as a place where
140 the person abides, lodges, or resides for a period of fourteen
141 (14) or more days in the aggregate during any calendar year and
142 which is not the person's permanent address; for a person whose
143 permanent residence is not in this state, the place where the



144 person is employed, practices a vocation, or is enrolled as a
145 student for any period of time in the state; or a place where a
146 person routinely abides, lodges or resides for a period of four
147 (4) or more consecutive or nonconsecutive days in any month and
148 which is not the person's permanent residence.

149 (i) "Department" unless otherwise specified is defined
150 as the Mississippi Department of Public Safety.

151 SECTION 2. Section 45-33-25, Mississippi Code of 1972, is
152 amended as follows:

153 45-33-25. (1) Any person residing in this state who has
154 been convicted of any sex offense or attempted sex offense or who
155 has been acquitted by reason of insanity for any sex offense or
156 attempted sex offense or twice adjudicated delinquent for any sex
157 offense or attempted sex offense shall register with the
158 Mississippi Department of Public Safety. Registration shall not
159 be required for an offense that is not a registrable sex offense.
160 The department shall provide the initial registration information
161 as well as every change of address to the sheriff of the county of
162 the residence address of the registrant through either written
163 notice, electronic or telephone transmissions, or online access to
164 registration information. Further, the department shall provide
165 this information to the Federal Bureau of Investigation.
166 Additionally, upon notification by the registrant that he intends
167 to reside outside the State of Mississippi, the department shall
168 notify the appropriate state law enforcement agency of any state
169 to which a registrant is moving or has moved.

170 (2) Any person required to register under this chapter shall
171 submit the following information at the time of registration:

172 (a) Name, including a former name which has been
173 legally changed;

174 (b) Street address;

175 (c) Place of employment;

176 (d) Crime for which convicted;



- 177 (e) Date and place of conviction, adjudication or
178 acquittal by reason of insanity;
- 179 (f) Aliases used;
- 180 (g) Social security number;
- 181 (h) Date and place of birth;
- 182 (i) Age, race, sex, height, weight, and hair and eye
183 colors;
- 184 (j) A brief description of the offense or offenses for
185 which the registration is required;
- 186 (k) Identifying factors;
- 187 (l) Anticipated future residence;
- 188 (m) Offense history;
- 189 (n) Photograph;
- 190 (o) Fingerprints;
- 191 (p) * * * Documentation of any treatment received for
192 any mental abnormality or personality disorder of the person;
- 193 (q) Biological sample; * * *
- 194 (r) Name of any institution of higher learning at which
195 the offender is employed, carries on a vocation (with or without
196 compensation) or is enrolled as a student; and
- 197 (s) Any other information deemed necessary.

198 (3) For purposes of this chapter, a person is considered to
199 be residing in this state if he maintains a permanent or temporary
200 residence as defined in Section 45-33-23, including students,
201 temporary employees and military personnel on assignment.

202 SECTION 3. Section 45-33-27, Mississippi Code of 1972, is
203 amended as follows:

204 45-33-27. (1) A person required to register on the basis of
205 a conviction, adjudication of delinquency or acquittal by reason
206 of insanity entered shall register within three (3) days of the
207 date of judgment unless the person is immediately confined or
208 committed, in which case the person shall register when released



209 in accordance with the procedures established by the
210 department. * * *

211 (2) If a person who is required to register under this
212 section is released from prison or placed on parole or supervised
213 release, the Department of Corrections shall perform the
214 registration duties at the time of release and forward the
215 registration information to the Department of Public Safety within
216 three (3) days.

217 (3) If a person required to register under this section is
218 placed on probation, the court, at the time of entering the order,
219 shall inform the person of the duty to register, obtain the
220 registration information and forward the registration information
221 to the Department of Public Safety within three (3) days.

222 (4) Any person required to register who is neither
223 incarcerated, detained nor committed at the time the requirement
224 to register shall attach shall present himself to the county
225 sheriff who shall perform the registration duties and forward the
226 registration information to the Department of Public Safety within
227 three (3) days.

228 (5) An offender moving to or returning to this state from
229 another jurisdiction shall notify the Department of Public Safety
230 ten (10) days before the person first resides in or returns to a
231 county in this state and shall register with the department within
232 ten (10) days of first residing in or returning to a county of
233 this state. The offender must then present himself to the sheriff
234 of the county in which he intends to reside to provide the
235 required registration information.

236 (6) A person, other than a person confined in a correctional
237 or juvenile detention facility or involuntarily committed on the
238 basis of mental illness, who is required to register on the basis
239 of a sex offense for which a conviction, adjudication of
240 delinquency or acquittal by reason of insanity was entered prior



241 to July 1, 1995, shall register with the sheriff of the county in
242 which he resides no later than August 15, 2000.

243 SECTION 4. Section 45-33-29, Mississippi Code of 1972, is
244 amended as follows:

245 45-33-29. **Change notification.** (1) Upon any change of
246 address, an offender under this chapter must notify the department
247 in writing no less than ten (10) days before he intends to first
248 reside at the new address.

249 (2) Upon any change in the status of a registrant,
250 employment or vocation at any institution of higher learning, the
251 offender must notify the department in writing within ten (10)
252 days of the change.

253 SECTION 5. Section 45-33-31, Mississippi Code of 1972, is
254 amended as follows:

255 45-33-31. * * * (1) Reregistration includes the submission
256 of current information to the department and the verification of
257 registration information, including address, telephone number,
258 place of employment, address of employment, and any other
259 registration information that may need to be verified.

260 (a) The Department of Public Safety shall send a
261 nonforwardable verification form to the last reported address of
262 the person * * *.

263 (b) The person shall return the verification form to
264 the department within ten (10) days after receipt of the form
265 verifying that the person resides at the address last reported.

266 (c) If the person fails to submit the verification form
267 to the department within ten (10) days after receipt of the form,
268 the person shall be in violation of this section.

269 (2) Except as otherwise provided in this subsection (2),
270 registrants are required to reregister annually:

271 (a) Offenders convicted of the following offenses or
272 attempt to commit the following offenses are required to
273 reregister every ninety (90) days:



274 (i) Section 97-3-65 relating to rape;
275 (ii) Section 97-3-71 relating to rape and assault
276 with intent to ravish;
277 (iii) Section 97-3-95 relating to sexual battery;
278 (iv) Subsection (1) or (2) of Section 97-5-33
279 relating to the exploitation of children;
280 (v) Section 97-5-41 relating to the carnal
281 knowledge of a stepchild, adopted child or child of a cohabiting
282 partner; or
283 (vi) Any conviction for violation of a similar law
284 of another jurisdiction.

285 (b) Offenders who have two (2) separate convictions for
286 any sex offense listed in Section 45-33-23, if one (1) of the
287 convictions was entered on or after July 1, 1995, are required to
288 reregister every ninety (90) days.

289 (c) An offender who resides in Mississippi and who has
290 been designated a sexual predator, a sexually violent predator or
291 a similar designation in another state, or who was required to
292 reregister every ninety (90) days in another state, will be
293 required to register every ninety (90) days in Mississippi

294 (d) An offender twice adjudicated delinquent in a youth
295 court for the crime of rape pursuant to Section 96-3-65 or sexual
296 battery pursuant to Section 97-3-95, is required to reregister
297 every ninety (90) days.

298 (3) Any offender required to reregister every ninety (90)
299 days shall be required to maintain lifetime registration without
300 the opportunity to petition for removal from the sex offender
301 registry.

302 SECTION 6. Section 45-33-33, Mississippi Code of 1972, is
303 amended as follows:

304 45-33-33. (1) The failure of an offender to provide any
305 registration or other information, including, but not limited to,
306 initial registration, reregistration or change of address



307 information, as required by this chapter, is a violation of the
308 law. Additionally, forgery of information or submission of
309 information under false pretenses is also a violation of the law.

310 (2) Unless otherwise specified, a violation of this chapter
311 shall be considered a felony and shall be punishable by a fine not
312 more than Five Thousand Dollars (\$5,000.00) or imprisonment in the
313 State Penitentiary for not more than five (5) years, or both fine
314 and imprisonment.

315 (3) Whenever it appears that an offender has failed to
316 comply with the duty to register or reregister, the department
317 shall promptly notify the sheriff of the county of the last known
318 address of the offender. Upon notification, the sheriff shall
319 attempt to locate the offender at his last known address.

320 (a) If the sheriff locates the offender he shall
321 enforce the provisions of this chapter. The sheriff shall then
322 notify the department with the current information regarding the
323 offender.

324 (b) If the sheriff is unable to locate the offender,
325 the sheriff shall promptly notify the department and initiate a
326 criminal prosecution against the offender for the failure to
327 register or reregister. The sheriff shall make the appropriate
328 transactions into the Federal Bureau of Investigation's
329 wanted-person database.

330 (4) A first violation of this chapter may result in the
331 arrest of the offender. Upon any second or subsequent violation
332 of this chapter, the offender shall be arrested for such
333 violation.

334 (5) Any prosecution for a violation of this section shall be
335 brought by a prosecutor in the county of such violation.

336 SECTION 7. Section 45-33-35, Mississippi Code of 1972, is
337 amended as follows:

338 45-33-35. (1) The Mississippi Department of Public Safety
339 shall maintain a central registry of sex offender information as



340 defined in Section 45-33-25 and shall adopt rules and regulations
341 necessary to carry out this section. The responsible agencies
342 shall provide the information required in Section 45-33-25 on a
343 form developed by the department to ensure accurate information is
344 maintained.

345 (2) Upon conviction, adjudication or acquittal by reason of
346 insanity of any sex offender, if the sex offender is not
347 immediately confined or not sentenced to a term of imprisonment,
348 the clerk of the court which convicted and sentenced the sex
349 offender shall inform the person of the duty to register and shall
350 perform the registration duties as described in Section 45-33-23
351 and forward the information to the department.

352 (3) Upon release from prison, placement on parole or
353 supervised release, the Department of Corrections shall inform the
354 person of the duty to register and shall perform the registration
355 duties as described in Section 45-33-23 and forward the
356 information to the Department of Public Safety.

357 (4) Upon release from confinement in a mental institution
358 following an acquittal by reason of insanity, the director of the
359 facility shall inform the offender of the duty to register and
360 shall notify the Department of Public Safety of the offender's
361 release.

362 (5) Upon release from a youthful offender facility, the
363 director of the facility shall inform the person of the duty to
364 register and shall perform the registration duties as described in
365 Section 45-33-23 and forward the information to the Department of
366 Public Safety.

367 (6) In addition to performing the registration duties, the
368 responsible agency shall:

369 (a) Inform the person having a duty to register that:

370 (i) The person shall report in writing any change
371 of address to the department ten (10) days before changing
372 address.



373 (ii) Any change of address to another state shall
374 be reported to the department in writing no less than ten (10)
375 days before the change of address. The offender shall comply with
376 any registration requirement in the new state.

377 (iii) The person must register in any state where
378 the person is employed, carries on a vocation, is stationed in the
379 military or is a student.

380 (iv) All address verifications must be returned to
381 the department within the required time period.

382 (iv) Any change in status of a registrant's
383 enrollment, employment or vocation at any institution of higher
384 learning shall be reported to the department in writing within ten
385 (10) days of the change.

386 (b) Require the person to read and sign a form stating
387 that the duty of the person to register under this chapter has
388 been explained.

389 (c) Obtain or facilitate the obtaining of a biological
390 sample from every registrant as required by this chapter if such
391 biological sample has not already been provided to the Mississippi
392 Crime Lab.

393 SECTION 8. Section 45-33-37, Mississippi Code of 1972, is
394 amended as follows:

395 45-33-37. (1) The Mississippi Crime Laboratory shall
396 develop a plan for and establish a deoxyribonucleic acid (DNA)
397 identification system. In implementing the plan, the Mississippi
398 Crime Laboratory shall purchase the appropriate equipment. The
399 DNA identification system as established herein shall be
400 compatible with that utilized by the Federal Bureau of
401 Investigation.

402 (2) From and after January 1, 1996, every individual
403 convicted of a sex offense or in the custody of the Mississippi
404 Department of Corrections for a sex offense as defined in Section
405 45-33-23 shall submit a biological sample * * * for purposes of



406 DNA identification analysis before release from or transfer to a
407 state correctional facility or county jail or other detention
408 facility.

409 (3) From and after January 1, 1996, any person having a duty
410 to register under Section 45-33-25 for whom a DNA analysis is not
411 already on file shall submit a biological sample * * * for
412 purposes of DNA identification analysis within five (5) working
413 days after registration.

414 SECTION 9. Section 45-33-45, Mississippi Code of 1972, which
415 sets forth standards for the designation of an offender as a
416 sexual predator, is hereby repealed.

417 SECTION 10. Section 45-33-47, Mississippi Code of 1972, is
418 amended as follows:

419 45-33-47. (1) A sex offender with a duty to register under
420 Section 45-33-25 shall only be relieved of the duty under
421 subsection (2) of this section.

422 (2) A person having a duty to register under Section
423 45-33-25 may petition the circuit court of the sentencing
424 jurisdiction to be relieved of that duty under the following
425 conditions:

426 (a) The offender has maintained his registration in
427 Mississippi for not less than ten (10) years from the most recent
428 date of occurrence of at least one (1) of the following: release
429 from prison, placement on parole, supervised release or probation.
430 Incarceration for any offense will restart the ten-year minimum
431 registration requirement. Registration in any other jurisdiction
432 or state does not reduce the ten-year time requirement for
433 maintaining registration in Mississippi.

434 (b) The offender is not required to reregister every
435 ninety (90) days.

436 (3) In determining whether to release an offender from the
437 obligation to register, the court shall consider the nature of the
438 registrable offense committed and the criminal and relevant



439 noncriminal behavior of the petitioner both before and after
440 conviction. The court may relieve the offender of the duty to
441 register only if the petitioner shows, by clear and convincing
442 evidence, that the registrant properly maintained his registration
443 as required by law and that future registration of the petitioner
444 will not serve the purposes of this chapter.

445 (4) The offender will be required to continue registration
446 for any sex offense conviction unless the conviction is set aside
447 in any post-conviction proceeding, the offender receives a pardon,
448 or the charge is dismissed. Upon submission of the appropriate
449 documentation to the department of one (1) of these occurrences,
450 registration duties will be discontinued.

451 SECTION 11. Section 45-33-49, Mississippi Code of 1972, is
452 amended as follows:

453 45-33-49. (1) Records maintained pursuant to this chapter
454 shall be open to law enforcement agencies which shall be
455 authorized to release relevant and necessary information regarding
456 sex offenders to the public.

457 (2) The identity of a victim of an offense that requires
458 registration under this chapter shall not be released.

459 (3) A sheriff shall maintain records for registrants of the
460 county and shall make available to any person upon request the
461 name, address, place of employment, crime for which convicted,
462 date and place of conviction of any registrant, and any other
463 information deemed necessary for the protection of the public.
464 The sheriffs shall be responsible for verifying their respective
465 registries annually against the department's records to ensure
466 current information is available at both levels.

467 (4) Upon written request, the department may also provide to
468 any person the name, address, photograph, if available, date of
469 photograph, place of employment, crime for which convicted, date
470 and place of conviction of any registrant, hair, eye color,
471 height, race, sex and date of birth of any registrant, and any



472 other information deemed necessary for the protection of the
473 public. Additionally, the department may utilize an internet
474 website or other electronic means to release the information.

475 (5) The Department of Education, the Mississippi Private
476 School Association and the Department of Health shall notify all
477 schools and licensed day care centers annually regarding the
478 availability upon request of this information.

479 (6) Nothing in this section shall be construed to prevent
480 law enforcement officers from notifying members of the public
481 exposed to danger of any circumstances or individuals that pose a
482 danger under circumstances that are not enumerated in this
483 section.

484 (7) Nothing in this chapter shall be construed to prevent
485 law enforcement officers from providing community notification of
486 any circumstances or individuals that pose or could pose a danger
487 under circumstances that are not enumerated in this chapter.

488 SECTION 12. Section 37-9-17, Mississippi Code of 1972, is
489 amended as follows:

490 37-9-17. (1) On or before April 1 of each year, the
491 principal of each school shall recommend to the superintendent of
492 the school district the licensed employees or noninstructional
493 employees to be employed for the school involved except those
494 licensed employees or noninstructional employees who have been
495 previously employed and who have a contract valid for the ensuing
496 scholastic year. If such recommendations meet with the approval
497 of the superintendent, the superintendent shall recommend the
498 employment of such licensed employees or noninstructional
499 employees to the school board, and, unless good reason to the
500 contrary exists, the board shall elect the employees so
501 recommended. If, for any reason, the school board shall decline
502 to elect any employee so recommended, additional recommendations
503 for the places to be filled shall be made by the principal to the
504 superintendent and then by the superintendent to the school board



505 as provided above. The school board of any school district shall
506 be authorized to designate a personnel supervisor or another
507 principal employed by the school district to recommend to the
508 superintendent licensed employees or noninstructional employees;
509 however, this authorization shall be restricted to no more than
510 two (2) positions for each employment period for each school in
511 the school district. Any noninstructional employee employed upon
512 the recommendation of a personnel supervisor or another principal
513 employed by the school district must have been employed by the
514 school district at the time the superintendent was elected or
515 appointed to office; a noninstructional employee employed under
516 this authorization may not be paid compensation in excess of the
517 statewide average compensation for such noninstructional position
518 with comparable experience, as established by the State Department
519 of Education. The school board of any school district shall be
520 authorized to designate a personnel supervisor or another
521 principal employed by the school district to accept the
522 recommendations of principals or their designees for licensed
523 employees or noninstructional employees and to transmit approved
524 recommendations to the board; however, this authorization shall be
525 restricted to no more than two (2) positions for each employment
526 period for each school in the school district.

527 When the licensed employees have been elected as provided in
528 the preceding paragraph, the superintendent of the district shall
529 enter into a contract with such persons in the manner provided in
530 this chapter.

531 If, at the commencement of the scholastic year, any licensed
532 employee shall present to the superintendent a license of a higher
533 grade than that specified in such individual's contract, such
534 individual may, if funds are available from minimum education
535 program funds of the district, or from district funds, be paid
536 from such funds the amount to which such higher grade license



537 would have entitled the individual, had the license been held at
538 the time the contract was executed.

539 (2) The superintendent of the school district shall require
540 that current criminal records background checks and current child
541 abuse registry checks are obtained, and that such criminal record
542 information and registry checks are on file for any new hires
543 applying for employment as a licensed or nonlicensed employee at a
544 school not previously employed in such school district prior to
545 July 1, 2000. In order to determine the applicant's suitability
546 for employment, the applicant shall be fingerprinted. If no
547 disqualifying record is identified at the state level, the
548 fingerprints shall be forwarded by the Department of Public Safety
549 to the FBI for a national criminal history record check. The fee
550 for such fingerprinting and criminal history record check shall be
551 paid by the applicant, not to exceed Fifty Dollars (\$50.00);
552 however, the school board of the school district, in its
553 discretion, may elect to pay the fee for the fingerprinting and
554 criminal history record check on behalf of any applicant. Under
555 no circumstances shall a school district superintendent, school
556 board member or any individual other than the subject of the
557 criminal history record checks disseminate information received
558 through any such checks except insofar as required to fulfill the
559 purposes of this section.

560 (3) If such fingerprinting or criminal record checks
561 disclose a felony conviction, guilty plea or plea of nolo
562 contendere to a felony of possession or sale of drugs, murder,
563 manslaughter, armed robbery, rape, sexual battery, sex offense
564 listed in Section 45-33-23(g), child abuse, arson, grand larceny,
565 burglary, gratification of lust or aggravated assault which has
566 not been reversed on appeal or for which a pardon has not been
567 granted, the new hire shall not be eligible to be employed at such
568 school. Any employment contract for a new hire executed by the
569 superintendent of the local school district shall be voidable if



570 the new hire receives a disqualifying criminal record check.
571 However, the school board may, in its discretion, allow any
572 applicant aggrieved by the employment decision under this section
573 to appear before the board, or before a hearing officer designated
574 for such purpose, to show mitigating circumstances which may exist
575 and allow the new hire to be employed at the school. The school
576 board may grant waivers for such mitigating circumstances, which
577 shall include, but not be limited to: (a) age at which the crime
578 was committed; (b) circumstances surrounding the crime; (c) length
579 of time since the conviction and criminal history since the
580 conviction; (d) work history; (e) current employment and character
581 references; (f) other evidence demonstrating the ability of the
582 person to perform the employment responsibilities competently and
583 that the person does not pose a threat to the health or safety of
584 the children at the school.

585 (4) No school district or school district employee shall be
586 held liable in any employment discrimination suit in which an
587 allegation of discrimination is made regarding an employment
588 decision authorized under this Section 37-9-17.

589 (5) Subsections (2) through (5) of this section shall be
590 repealed on June 30, 2002.

591 SECTION 13. Section 45-27-1, Mississippi Code of 1972, is
592 amended as follows:

593 45-27-1. The Legislature finds and declares that a more
594 effective administrative structure now is required to control the
595 collection, storage, dissemination and use of criminal offender
596 record information. These improvements in the organization and
597 control of criminal offender record-keeping are imperative both to
598 strengthen the administration of criminal justice and to assure
599 appropriate protection of rights of individual privacy. * * * The
600 purposes of this chapter are (a) to control and coordinate
601 criminal offender record-keeping within this state; (b) to assure
602 periodic reporting to the Governor and Legislature concerning such



603 record-keeping; and (c) to establish a more effective
604 administrative structure for the collection, maintenance,
605 retrieval and dissemination of criminal history record information
606 described in this chapter, consistent with those principles of
607 scope and security prescribed by this chapter.

608 SECTION 14. Section 45-27-3, Mississippi Code of 1972, is
609 amended as follows:

610 45-27-3. For the purposes of this chapter, the following
611 words shall have the meanings ascribed to them in this section
612 unless the context requires otherwise:

613 (a) "Criminal justice agencies" means public agencies
614 at all levels of government which perform as their principal
615 function activities relating to the apprehension, prosecution,
616 adjudication or rehabilitation of criminal offenders.

617 (b) "Offense" means an act which is a felony or a
618 misdemeanor * * *.

619 (c) "Justice information system" means those agencies,
620 procedures, mechanisms, media and forms, as well as the
621 information itself, which are or become involved in the
622 origination, transmittal, storage, retrieval and dissemination of
623 information related to reported offenses and offenders, and the
624 subsequent actions related to such events or persons.

625 (d) "Criminal justice information" means the following
626 classes of information:

627 (i) "Secret data" which includes information
628 dealing with those elements of the operation and programming of
629 the Mississippi Justice Information Center computer system and the
630 communications network and satellite computer systems handling
631 criminal justice information which prevents unlawful intrusion
632 into the system.

633 (ii) "Criminal history record information," which
634 means information collected by criminal justice agencies on
635 individuals consisting of identifiable descriptions and notations



636 of arrests, detentions, indictments, affidavits, information or
637 other formal charges and any disposition arising therefrom,
638 sentencing, correctional supervision and release. The term does
639 not include identification information such as fingerprint records
640 or images to the extent that such information does not indicate
641 involvement of the individual in the criminal justice system.

642 (iii) "Sensitive data," which contains statistical
643 information in the form of reports, lists and documentation which
644 may identify a group characteristic, such as "white" males or
645 "stolen" guns.

646 (iv) "Restricted data," which contains information
647 relating to data-gathering techniques, distribution methods,
648 manuals and forms.

649 (v) "Law enforcement agency" or "originating
650 agency" or "agency" which includes a governmental unit or agency
651 composed of one or more persons employed full time or part time by
652 the state as a political subdivision thereof for the following
653 purposes: (A) the administration of criminal justice, which
654 includes the prevention and detection of crime; the apprehension,
655 pretrial release, post-trial release, prosecution, adjudication,
656 correctional supervision or rehabilitation of accused persons or
657 criminal offenders; or the collection, storage and dissemination
658 of criminal history record information; or (B) the enforcement of
659 state laws or local ordinances, which includes making arrests for
660 crimes while acting within the scope of their authority. The
661 agency must perform one or more of the above-described criminal
662 justice duties and allocate a substantial part of its annual
663 budget to the administration of criminal justice.

664 (e) "Center" means the Mississippi Justice Information
665 Center or the Mississippi Criminal Information Center.

666 (f) "Department" means the Mississippi Department of
667 Public Safety.



668 (g) "Conviction information" means criminal history
669 record information disclosing that a person was found guilty of,
670 or has pleaded guilty or nolo contendere to, a criminal offense in
671 a court of law, together with any sentencing information. This
672 includes a conviction in a federal or military tribunal, including
673 a court martial conducted by the Armed Forces of the United
674 States, or a conviction for an offense committed on an Indian
675 Reservation or other federal property, or any court of a state of
676 the United States.

677 (h) "Nonconviction information" means arrest without
678 disposition information if an interval of one (1) year has elapsed
679 from the date of arrest and no active prosecution for the charge
680 is pending, as well as, all acquittals and all dismissals.

681 SECTION 15. Section 45-27-7, Mississippi Code of 1972, is
682 amended as follows:

683 45-27-7. (1) The Mississippi Justice Information Center
684 shall:

685 (a) Develop, operate and maintain an information system
686 which will support the collection, storage, retrieval and
687 dissemination of all crime and offender data described in this
688 chapter, consistent with those principles of scope, security and
689 responsiveness prescribed by this chapter.

690 (b) Cooperate with all criminal justice agencies within
691 the state in providing those forms, procedures, standards and
692 related training assistance necessary for the uniform operation of
693 the statewide center.

694 (c) Offer assistance and, when practicable, instruction
695 to all local law enforcement agencies in establishing efficient
696 local records systems.

697 (d) Make available, upon request, to all local and
698 state criminal justice agencies, to all federal criminal justice
699 agencies and to criminal justice agencies in other states any
700 information in the files of the center which will aid such



701 agencies in the performance of their official duties. For this
702 purpose the center shall operate on a twenty-four-hour basis,
703 seven (7) days a week. Such information, when authorized by the
704 director of the center, may also be made available to any other
705 agency of this state or any political subdivision thereof and to
706 any federal agency, upon assurance by the agency concerned that
707 the information is to be used for official purposes only in the
708 prevention or detection of crime or the apprehension of criminal
709 offenders.

710 (e) Cooperate with other agencies of this state, the
711 crime information agencies of other states, and the national crime
712 information center systems of the Federal Bureau of Investigation
713 in developing and conducting an interstate, national and
714 international system of criminal identification and records.

715 (f) Make available, upon request, to nongovernmental
716 entities or employers certain information for noncriminal justice
717 purposes as specified in Section 45-27-12.

718 (g) Institute necessary measures in the design,
719 implementation and continued operation of the justice information
720 system to ensure the privacy and security of the system. Such
721 measures shall include establishing complete control over use of
722 and access to the system and restricting its integral resources
723 and facilities and those either possessed or procured and
724 controlled by criminal justice agencies. Such security measures
725 must meet standards developed by the center as well as those set
726 by the nationally operated systems for interstate sharing of
727 information.

728 (h) Provide data processing for files listing motor
729 vehicle drivers' license numbers, motor vehicle registration
730 numbers, wanted and stolen motor vehicles, outstanding warrants,
731 identifiable stolen property and such other files as may be of
732 general assistance to law enforcement agencies; provided, however,
733 that the purchase, lease, rental or acquisition in any manner of



734 "computer equipment or services," as defined in Section 25-53-3,
735 Mississippi Code of 1972, shall be subject to the approval of the
736 Mississippi Information Technology Services.

737 (i) Maintain a field coordination and support unit
738 which shall have all the power conferred by law upon any peace
739 officer of this state.

740 (2) The department, including the investigative division or
741 the center, shall:

742 (a) Obtain and store fingerprints, descriptions,
743 photographs and any other pertinent identifying data on persons
744 who:

745 (i) Have been or are hereafter arrested or taken
746 into custody in this state:

747 (A) For an offense which is a felony;

748 (B) For an offense which is a
749 misdemeanor * * *;

750 (C) As a fugitive from justice; or

751 (ii) Are or become habitual offenders; or

752 (iii) Are currently or become confined to any
753 prison, penitentiary or other penal institution; or

754 (iv) Are unidentified human corpses found in the
755 state.

756 (b) Compare all fingerprint and other identifying data
757 received with that already on file and determine whether or not a
758 criminal record is found for such person, and at once inform the
759 requesting agency or arresting officer of those facts that may be
760 disseminated consistent with applicable security and privacy laws
761 and regulations. A record shall be maintained for a minimum of
762 one (1) year of the dissemination of each individual criminal
763 history, including at least the date and recipient of such
764 information.

765 (c) Establish procedures to respond to those
766 individuals who file requests to review their own records,



767 pursuant to Sections 45-27-11 and 45-27-12, and to cooperate in
768 the correction of the central center records and those of
769 contributing agencies when their accuracy has been successfully
770 challenged either through the related contributing agencies or by
771 court order issued on behalf of an individual.

772 SECTION 16. The following provision shall be codified as
773 Section 45-27-8, Mississippi Code of 1972:

774 45-27-8. **Mississippi Justice Information Center authorized**
775 **to charge fees for services and reports.**

776 The center, by direction of the Commissioner of the
777 Department of Public Safety, shall establish and collect fees
778 reasonably calculated to reimburse the center for the actual cost
779 of searching, reviewing, duplicating and mailing records or
780 information of any kind maintained by the center and authorized
781 for release by this chapter.

782 No records shall be furnished by the center which are
783 classified as confidential by law.

784 All fees collected by the center pursuant to this chapter
785 shall be deposited into the Criminal Information Center Special
786 Fund hereby created in the State Treasury. Monies deposited in
787 such fund shall be expended by the center, as authorized and
788 appropriated by the Legislature, to defray the expenses of the
789 center. Any revenue in the fund which is not encumbered at the
790 end of the fiscal year shall not lapse to the State General Fund
791 but shall remain in the special fund.

792 SECTION 17. Section 45-27-9, Mississippi Code of 1972, is
793 amended as follows:

794 45-27-9. (1) All criminal justice agencies within the state
795 shall submit to the center fingerprints, descriptions, photographs
796 (when specifically requested), and other identifying data on
797 persons who have been lawfully arrested or taken into custody in
798 this state for all felonies and * * * misdemeanors as described in
799 Section 45-27-7(2) (a). It shall be the duty of all chiefs of



800 police, sheriffs, district attorneys, courts, court clerks,
801 judges, parole and probation officers, wardens or other persons in
802 charge of correctional institutions in this state to furnish the
803 center with any other data deemed necessary by the center to carry
804 out its responsibilities under this chapter.

805 (2) All persons in charge of law enforcement agencies shall
806 obtain, or cause to be obtained, fingerprints according to the
807 fingerprint system of identification established by the Director
808 of the Federal Bureau of Investigation, full face and profile
809 photographs (if equipment is available) and other available
810 identifying data, of each person arrested or taken into custody
811 for an offense of a type designated in subsection (1) of this
812 section, of all persons arrested or taken into custody as
813 fugitives from justice and of all unidentified human corpses in
814 their jurisdictions, but photographs need not be taken if it is
815 known that photographs of the type listed, taken within the
816 previous year, are on file. Any record taken in connection with
817 any person arrested or taken into custody and subsequently
818 released without charge or cleared of the offense through court
819 proceedings shall be purged from the files of the center and
820 destroyed upon receipt by the center of a lawful expunction order.

821 All persons in charge of law enforcement agencies shall submit to
822 the center detailed descriptions of arrests or takings into
823 custody which result in release without charge or subsequent
824 exoneration from criminal liability within twenty-four (24) hours
825 of such release or exoneration.

826 (3) Fingerprints and other identifying data required to be
827 taken under subsection (2) shall be forwarded within twenty-four
828 (24) hours after taking for filing and classification, but the
829 period of twenty-four (24) hours may be extended to cover any
830 intervening holiday or weekend. Photographs taken shall be
831 forwarded at the discretion of the agency concerned, but, if not
832 forwarded, the fingerprint record shall be marked "Photo



833 Available" and the photographs shall be forwarded subsequently if
834 the center so requests.

835 (4) All persons in charge of law enforcement agencies shall
836 submit to the center detailed descriptions of arrest warrants and
837 related identifying data immediately upon determination of the
838 fact that the warrant cannot be served for the reasons stated. If
839 the warrant is subsequently served or withdrawn, the law
840 enforcement agency concerned must immediately notify the center of
841 such service or withdrawal. Also, the agency concerned must
842 annually, no later than January 31 of each year and at other times
843 if requested by the center, confirm all such arrest warrants which
844 continue to be outstanding. Upon receipt of a lawful expunction
845 order, the center shall purge and destroy files of all data
846 relating to an offense when an individual is subsequently
847 exonerated from criminal liability of that offense. The center
848 shall not be liable for the failure to purge, destroy or expunge
849 any records if an agency or court fails to forward to the center
850 proper documentation ordering such action.

851 (5) All persons in charge of state correctional institutions
852 shall obtain fingerprints, according to the fingerprint system of
853 identification established by the Director of the Federal Bureau
854 of Investigation or as otherwise directed by the center, and full
855 face and profile photographs of all persons received on commitment
856 to such institutions. The prints so taken shall be forwarded to
857 the center, together with any other identifying data requested,
858 within ten (10) days after the arrival at the institution of the
859 person committed. At the time of release, the institution will
860 again obtain fingerprints, as before, and forward them to the
861 center within ten (10) days, along with any other related
862 information requested by the center. The institution shall notify
863 the center immediately upon the release of such person.

864 (6) All persons in charge of law enforcement agencies, all
865 court clerks, all municipal justices where they have no clerks,



866 all justice court judges and all persons in charge of state and
867 county probation and parole offices, shall supply the center with
868 the information described in subsections (4) and (10) of this
869 section on the basis of the forms and instructions to be supplied
870 by the center.

871 (7) All persons in charge of law enforcement agencies in
872 this state shall furnish the center with any other identifying
873 data required in accordance with guidelines established by the
874 center. All law enforcement agencies and correctional
875 institutions in this state having criminal identification files
876 shall cooperate in providing the center with copies of such items
877 in such files which will aid in establishing the nucleus of the
878 state criminal identification file.

879 (8) All law enforcement agencies within the state shall
880 report to the center, in a manner prescribed by the center, all
881 persons wanted by and all vehicles and identifiable property
882 stolen from their jurisdictions. The report shall be made as soon
883 as is practical after the investigating department or agency
884 either ascertains that a vehicle or identifiable property has been
885 stolen or obtains a warrant for an individual's arrest or
886 determines that there are reasonable grounds to believe that the
887 individual has committed a crime. * * * The report shall be made
888 within a reasonable time period following the reporting
889 department's or agency's determination that it has grounds to
890 believe that a vehicle or property was stolen or that the wanted
891 person should be arrested.

892 (9) All law enforcement agencies in the state shall
893 immediately notify the center if at any time after making a report
894 as required by subsection (8) of this section it is determined by
895 the reporting department or agency that a person is no longer
896 wanted or that a vehicle or property stolen has been recovered.
897 Furthermore, if the agency making such apprehension or recovery is
898 not the one which made the original report, then it shall



899 immediately notify the originating agency of the full particulars
900 relating to such apprehension or recovery using methods prescribed
901 by the center.

902 (10) All law enforcement agencies in the state and clerks of
903 the various courts shall promptly report to the center all
904 instances where records of convictions of criminals are ordered
905 expunged by courts of this state as now provided by law. The
906 center shall promptly expunge from the files of the center and
907 destroy all records pertaining to any convictions that are ordered
908 expunged by the courts of this state as provided by law.

909 (11) The center shall not be held liable for the failure to
910 purge, destroy or expunge records if an agency or court fails to
911 forward to the center proper documentation ordering such action.

912 SECTION 18. Section 45-27-11, Mississippi Code of 1972, is
913 amended as follows:

914 45-27-11. **Review or challenge of criminal offender records;**
915 **correction of errors in records.**

916 The center shall make a person's criminal records available
917 for inspection by him or his attorney upon written request. Prior
918 to inspection, the person must submit a set of fingerprints, sign
919 a written authorization for the records check, and provide any
920 other identifying information required by the center. Should such
921 person or his attorney contest the accuracy of any portion of such
922 records, the center shall make available to such person or his
923 attorney a copy of the contested record upon written application
924 identifying the portion of the record contested and showing the
925 reason for the contest of accuracy. Forms, procedures, fees,
926 identification and other related aspects pertinent to such access
927 may be prescribed by the center in making access available.

928 If an individual believes such information to be inaccurate
929 or incomplete, he may request the original agency having custody
930 or control of the records to purge, modify or supplement them and
931 to so notify the center of such changes. Should the agency



932 decline to so act or should the individual believe the agency's
933 decision to be otherwise unsatisfactory, the individual or his
934 attorney may within thirty (30) days of such decision enter an
935 appeal to the county or circuit court of the county of his
936 residence or to such court in the county where such agency exists.
937 The court in each such case shall conduct a de novo hearing and
938 may order such relief as it finds to be required by law. Such
939 appeals shall be entered in the same manner as other appeals are
940 entered.

941 Should the record in question be found to be inaccurate or
942 incomplete * * *, the court shall order it to be appropriately
943 expunged, modified or supplemented by an explanatory notation.
944 Each agency or individual in the state with custody, possession or
945 control of any such record shall promptly cause each and every
946 copy thereof in his custody, possession or control to be altered
947 in accordance with the court's order. Notification of each such
948 deletion, amendment and supplementary notation shall be promptly
949 disseminated to any individuals or agencies to which the records
950 in question have been communicated as well as to the individual
951 whose records have been ordered so altered. The center shall not
952 be held liable for the failure to modify, supplement, destroy or
953 expunge records if an agency or court fails to forward to the
954 center proper documentation ordering such action.

955 Agencies, including the center, at which criminal offender
956 records are sought to be inspected may prescribe reasonable hours
957 and places of inspection and may impose such additional
958 procedures, fees or restrictions, including fingerprinting, as are
959 reasonably necessary both to assure the record's security, to
960 verify the identities of those who seek to inspect them and to
961 maintain an orderly and efficient mechanism for such access.

962 SECTION 19. The following provision shall be codified as
963 Section 45-27-12, Mississippi Code of 1972.



964 45-27-12. **Dissemination of certain criminal history record**
965 **information for noncriminal justice purposes.**

966 (1) State conviction information and arrest information less
967 than one (1) year old which is contained in the center's database
968 shall be made available for the following noncriminal justice
969 purposes:

970 (a) To any local, state or federal governmental agency
971 that requests the information for the enforcement of a local,
972 state or federal law;

973 (b) To any nongovernmental entity or any employer
974 authorized either by the subject of record in writing or by state
975 or federal law to receive such information; and

976 (c) To any federal agency or central repository in
977 another state requesting the information for purposes authorized
978 by law.

979 (2) Information disseminated for noncriminal justice
980 purposes as specified in this section shall be used only for the
981 purpose for which it was made available and may not be
982 re-disseminated.

983 (3) No agency or individual shall confirm the existence or
984 nonexistence of criminal history record information to any person
985 or organization that would not be eligible to receive the
986 information pursuant to this section. Nonconviction information
987 shall not be available under the provisions of this section for
988 noncriminal justice purposes.

989 (4) Upon request for a check pursuant to this section, the
990 nongovernmental entity or employer must provide proper
991 identification and authorization information from the subject of
992 the record to be checked and adhere to policies established by the
993 center for such record checks.

994 (5) Any individual or his attorney who is the subject of the
995 record to be checked, upon positive verification of the
996 individual's identity, may request to review the disseminated



997 information and shall follow the procedure set forth in Section
998 45-27-11. If the individual wishes to correct the record as it
999 appears in the center's system, the person shall follow the
1000 procedure set forth in Section 45-27-11. The right of a person to
1001 review the person's criminal history record information shall not
1002 be used by a prospective employer or others as a means to
1003 circumvent procedures or fees for accessing records for
1004 noncriminal justice purposes.

1005 (6) The center may impose procedures, including the
1006 submission of fingerprints, fees or restrictions, as are
1007 reasonably necessary to assure the record's security, to verify
1008 the identities of those who seek to inspect them, and to maintain
1009 an orderly and efficient mechanism for access. All fees shall be
1010 assessed and deposited in accordance with the provisions of
1011 Section 45-27-8.

1012 (7) Local agencies may release their own agency records
1013 according to their own policies.

1014 (8) Release of the above-described information for
1015 noncriminal justice purposes shall be made only by the center,
1016 under the limitations of this section, and such compiled records
1017 will not be released or disclosed for noncriminal justice purposes
1018 by other agencies in the state.

1019 SECTION 20. Section 45-27-13, Mississippi Code of 1972, is
1020 amended as follows:

1021 45-27-13. (1) Any person who knowingly requests, obtains or
1022 attempts to obtain criminal history record information and other
1023 information maintained in the center's network under false
1024 pretenses or who misuses criminal history record information or
1025 information maintained in the center's network except in
1026 accordance with law or who knowingly communicates or attempts to
1027 communicate criminal history record information to any agency or
1028 person except in accordance with this chapter, or any member,
1029 officer, employee or agent of the * * * center, * * * or any



1030 participating agency who knowingly falsifies criminal history
1031 record information, or any records relating thereto, shall for
1032 each such offense be fined not more than Five Thousand Dollars
1033 (\$5,000.00) or be imprisoned for not more than one (1) year, or
1034 both fined and imprisoned.

1035 (2) Any person who knowingly discloses or attempts to
1036 disclose the techniques or methods employed to ensure the security
1037 and privacy of information or data contained in criminal justice
1038 information systems, except in accordance with this chapter, shall
1039 for each such offense be fined not more than Five Thousand Dollars
1040 (\$5,000.00) or be imprisoned for not more than two (2) years in
1041 the custody of the Department of Corrections, or both.

1042 SECTION 21. Section 45-27-17, Mississippi Code of 1972, is
1043 amended as follows:

1044 45-27-17. **Counties, municipalities and users of network**
1045 **authorized to pay pro rata cost of justice information center.**

1046 All boards of supervisors, municipal authorities of the state
1047 and other users of the network are hereby authorized to
1048 appropriate and pay, in their discretion, to the Department of
1049 Public Safety such sum as may be assessed against said county or
1050 municipality or user agency as their pro rata cost of the justice
1051 information system and Mississippi Justice Information Center.

1052 SECTION 22. The following provision shall be codified as
1053 Section 45-27-19, Mississippi Code of 1972:

1054 45-27-19. Exemption of Records.

1055 (1) Unless specifically authorized by law, records
1056 maintained by the center shall be exempt from the provisions of
1057 the Mississippi Public Records Act of 1983.

1058 (2) Intelligence and investigative files maintained by law
1059 enforcement shall be kept separate from criminal history record
1060 information and shall be exempt from dissemination under the
1061 provisions of this chapter and the Mississippi Public Records Law.



1062 SECTION 23. Section 12 of this act shall take effect and be
1063 in force from and after passage, and the remainder of this act
1064 shall take effect and be in force from and after July 1, 2001.

