

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 2986  
(As Passed the Senate)

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 in the jurisdiction where the  
138 conviction was had;

139 \* \* \*

140           (h) "Temporary residence" is defined as a place where  
141 the person abides, lodges, or resides for a period of fourteen  
142 (14) or more days in the aggregate during any calendar year and  
143 which is not the person's permanent address; for a person whose  
144 permanent residence is not in this state, the place where the  
145 person is employed, practices a vocation, or is enrolled as a  
146 student for any period of time in the state; or a place where a  
147 person routinely abides, lodges or resides for a period of four  
148 (4) or more consecutive or nonconsecutive days in any month and  
149 which is not the person's permanent residence.

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

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

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

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

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

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

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

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

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

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

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

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

237 (6) A person, other than a person confined in a correctional  
238 or juvenile detention facility or involuntarily committed on the  
239 basis of mental illness, who is required to register on the basis  
240 of a sex offense for which a conviction, adjudication of  
241 delinquency or acquittal by reason of insanity was entered prior  
242 to July 1, 1995, shall register with the sheriff of the county in  
243 which he resides no later than August 15, 2000.

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

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

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

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

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

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

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

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



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

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

275 (i) Section 97-3-65 relating to rape;

276 (ii) Section 97-3-71 relating to rape and assault  
277 with intent to ravish;

278 (iii) Section 97-3-95 relating to sexual battery;

279 (iv) Subsection (1) or (2) of Section 97-5-33  
280 relating to the exploitation of children;

281 (v) Section 97-5-41 relating to the carnal  
282 knowledge of a stepchild, adopted child or child of a cohabiting  
283 partner; or

284 (vi) Any conviction for violation of a similar law  
285 of another jurisdiction.

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

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

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

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

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

305 45-33-33. (1) The failure of an offender to provide any  
306 registration or other information, including, but not limited to,  
307 initial registration, reregistration or change of address  
308 information, as required by this chapter, is a violation of the  
309 law. Additionally, forgery of information or submission of  
310 information under false pretenses is also a violation of the law.

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

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

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

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

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

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

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

339       45-33-35. (1) The Mississippi Department of Public Safety  
340 shall maintain a central registry of sex offender information as  
341 defined in Section 45-33-25 and shall adopt rules and regulations  
342 necessary to carry out this section. The responsible agencies  
343 shall provide the information required in Section 45-33-25 on a  
344 form developed by the department to ensure accurate information is  
345 maintained.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

396 45-33-37. (1) The Mississippi Crime Laboratory shall  
397 develop a plan for and establish a deoxyribonucleic acid (DNA)  
398 identification system. In implementing the plan, the Mississippi  
399 Crime Laboratory shall purchase the appropriate equipment. The  
400 DNA identification system as established herein shall be

401 compatible with that utilized by the Federal Bureau of  
402 Investigation.

403 (2) From and after January 1, 1996, every individual  
404 convicted of a sex offense or in the custody of the Mississippi  
405 Department of Corrections for a sex offense as defined in Section  
406 45-33-23 shall submit a biological sample \* \* \* for purposes of  
407 DNA identification analysis before release from or transfer to a  
408 state correctional facility or county jail or other detention  
409 facility.

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

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

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

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

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

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

433 or state does not reduce the ten-year time requirement for  
434 maintaining registration in Mississippi.

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

437 (3) In determining whether to release an offender from the  
438 obligation to register, the court shall consider the nature of the  
439 registrable offense committed and the criminal and relevant  
440 noncriminal behavior of the petitioner both before and after  
441 conviction. The court may relieve the offender of the duty to  
442 register only if the petitioner shows, by clear and convincing  
443 evidence, that the registrant properly maintained his registration  
444 as required by law and that future registration of the petitioner  
445 will not serve the purposes of this chapter.

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

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

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

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

460 (3) A sheriff shall maintain records for registrants of the  
461 county and shall make available to any person upon request the  
462 name, address, place of employment, crime for which convicted,  
463 date and place of conviction of any registrant, and any other  
464 information deemed necessary for the protection of the public.  
465 The sheriffs shall be responsible for verifying their respective

466 registries annually against the department's records to ensure  
467 current information is available at both levels.

468 (4) Upon written request, the department may also provide to  
469 any person the name, address, photograph, if available, date of  
470 photograph, place of employment, crime for which convicted, date  
471 and place of conviction of any registrant, hair, eye color,  
472 height, race, sex and date of birth of any registrant, and any  
473 other information deemed necessary for the protection of the  
474 public. Additionally, the department may utilize an internet  
475 website or other electronic means to release the information.

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

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

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

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

491 37-9-17. (1) On or before April 1 of each year, the  
492 principal of each school shall recommend to the superintendent of  
493 the school district the licensed employees or noninstructional  
494 employees to be employed for the school involved except those  
495 licensed employees or noninstructional employees who have been  
496 previously employed and who have a contract valid for the ensuing  
497 scholastic year. If such recommendations meet with the approval  
498 of the superintendent, the superintendent shall recommend the

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

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



532           If, at the commencement of the scholastic year, any licensed  
533 employee shall present to the superintendent a license of a higher  
534 grade than that specified in such individual's contract, such  
535 individual may, if funds are available from minimum education  
536 program funds of the district, or from district funds, be paid  
537 from such funds the amount to which such higher grade license  
538 would have entitled the individual, had the license been held at  
539 the time the contract was executed.

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

561           (3) If such fingerprinting or criminal record checks  
562 disclose a felony conviction, guilty plea or plea of nolo  
563 contendere to a felony of possession or sale of drugs, murder,  
564 manslaughter, armed robbery, rape, sexual battery, sex offense

565 listed in Section 45-33-23(g), child abuse, arson, grand larceny,  
566 burglary, gratification of lust or aggravated assault which has  
567 not been reversed on appeal or for which a pardon has not been  
568 granted, the new hire shall not be eligible to be employed at such  
569 school. Any employment contract for a new hire executed by the  
570 superintendent of the local school district shall be voidable if  
571 the new hire receives a disqualifying criminal record check.  
572 However, the school board may, in its discretion, allow any  
573 applicant aggrieved by the employment decision under this section  
574 to appear before the board, or before a hearing officer designated  
575 for such purpose, to show mitigating circumstances which may exist  
576 and allow the new hire to be employed at the school. The school  
577 board may grant waivers for such mitigating circumstances, which  
578 shall include, but not be limited to: (a) age at which the crime  
579 was committed; (b) circumstances surrounding the crime; (c) length  
580 of time since the conviction and criminal history since the  
581 conviction; (d) work history; (e) current employment and character  
582 references; (f) other evidence demonstrating the ability of the  
583 person to perform the employment responsibilities competently and  
584 that the person does not pose a threat to the health or safety of  
585 the children at the school.

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

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

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

594 45-27-1. The Legislature finds and declares that a more  
595 effective administrative structure now is required to control the  
596 collection, storage, dissemination and use of criminal offender  
597 record information. These improvements in the organization and

598 control of criminal offender record-keeping are imperative both to  
599 strengthen the administration of criminal justice and to assure  
600 appropriate protection of rights of individual privacy. \* \* \* The  
601 purposes of this chapter are (a) to control and coordinate  
602 criminal offender record-keeping within this state; (b) to assure  
603 periodic reporting to the Governor and Legislature concerning such  
604 record-keeping; and (c) to establish a more effective  
605 administrative structure for the collection, maintenance,  
606 retrieval and dissemination of criminal history record information  
607 described in this chapter, consistent with those principles of  
608 scope and security prescribed by this chapter.

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

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

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

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

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

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

628 (i) "Secret data" which includes information  
629 dealing with those elements of the operation and programming of  
630 the Mississippi Justice Information Center computer system and the

631 communications network and satellite computer systems handling  
632 criminal justice information which prevents unlawful intrusion  
633 into the system.

634 (ii) "Criminal history record information," which  
635 means information collected by criminal justice agencies on  
636 individuals consisting of identifiable descriptions and notations  
637 of arrests, detentions, indictments, affidavits, information or  
638 other formal charges and any disposition arising therefrom,  
639 sentencing, correctional supervision and release. The term does  
640 not include identification information such as fingerprint records  
641 or images to the extent that such information does not indicate  
642 involvement of the individual in the criminal justice system.

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

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

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

663 justice duties and allocate a substantial part of its annual  
664 budget to the administration of criminal justice.

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

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

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

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

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

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

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

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

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

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

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

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

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

727 by the nationally operated systems for interstate sharing of  
728 information.

729           (h) Provide data processing for files listing motor  
730 vehicle drivers' license numbers, motor vehicle registration  
731 numbers, wanted and stolen motor vehicles, outstanding warrants,  
732 identifiable stolen property and such other files as may be of  
733 general assistance to law enforcement agencies; provided, however,  
734 that the purchase, lease, rental or acquisition in any manner of  
735 "computer equipment or services," as defined in Section 25-53-3,  
736 Mississippi Code of 1972, shall be subject to the approval of the  
737 Mississippi Information Technology Services.

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

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

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

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

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

749                           (B) For an offense which is a

750 misdemeanor \* \* \*;

751                           (C) As a fugitive from justice; or

752                   (ii) Are or become habitual offenders; or

753                   (iii) Are currently or become confined to any

754 prison, penitentiary or other penal institution; or

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

757           (b) Compare all fingerprint and other identifying data  
758 received with that already on file and determine whether or not a  
759 criminal record is found for such person, and at once inform the

760 requesting agency or arresting officer of those facts that may be  
761 disseminated consistent with applicable security and privacy laws  
762 and regulations. A record shall be maintained for a minimum of  
763 one (1) year of the dissemination of each individual criminal  
764 history, including at least the date and recipient of such  
765 information.

766 (c) Establish procedures to respond to those  
767 individuals who file requests to review their own records,  
768 pursuant to Sections 45-27-11 and 45-27-12, and to cooperate in  
769 the correction of the central center records and those of  
770 contributing agencies when their accuracy has been successfully  
771 challenged either through the related contributing agencies or by  
772 court order issued on behalf of an individual.

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

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

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

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

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



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

795 45-27-9. (1) All criminal justice agencies within the state  
796 shall submit to the center fingerprints, descriptions, photographs  
797 (when specifically requested), and other identifying data on  
798 persons who have been lawfully arrested or taken into custody in  
799 this state for all felonies and \* \* \* misdemeanors as described in  
800 Section 45-27-7(2)(a). It shall be the duty of all chiefs of  
801 police, sheriffs, district attorneys, courts, court clerks,  
802 judges, parole and probation officers, wardens or other persons in  
803 charge of correctional institutions in this state to furnish the  
804 center with any other data deemed necessary by the center to carry  
805 out its responsibilities under this chapter.

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

825 exoneration from criminal liability within twenty-four (24) hours  
826 of such release or exoneration.

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

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

852 (5) All persons in charge of state correctional institutions  
853 shall obtain fingerprints, according to the fingerprint system of  
854 identification established by the Director of the Federal Bureau  
855 of Investigation or as otherwise directed by the center, and full  
856 face and profile photographs of all persons received on commitment  
857 to such institutions. The prints so taken shall be forwarded to

858 the center, together with any other identifying data requested,  
859 within ten (10) days after the arrival at the institution of the  
860 person committed. At the time of release, the institution will  
861 again obtain fingerprints, as before, and forward them to the  
862 center within ten (10) days, along with any other related  
863 information requested by the center. The institution shall notify  
864 the center immediately upon the release of such person.

865 (6) All persons in charge of law enforcement agencies, all  
866 court clerks, all municipal justices where they have no clerks,  
867 all justice court judges and all persons in charge of state and  
868 county probation and parole offices, shall supply the center with  
869 the information described in subsections (4) and (10) of this  
870 section on the basis of the forms and instructions to be supplied  
871 by the center.

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

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

891 believe that a vehicle or property was stolen or that the wanted  
892 person should be arrested.

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

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

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

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

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

917 The center shall make a person's criminal records available  
918 for inspection by him or his attorney upon written request. Prior  
919 to inspection, the person must submit a set of fingerprints, sign  
920 a written authorization for the records check, and provide any  
921 other identifying information required by the center. Should such  
922 person or his attorney contest the accuracy of any portion of such  
923 records, the center shall make available to such person or his

924 attorney a copy of the contested record upon written application  
925 identifying the portion of the record contested and showing the  
926 reason for the contest of accuracy. Forms, procedures, fees,  
927 identification and other related aspects pertinent to such access  
928 may be prescribed by the center in making access available.

929 If an individual believes such information to be inaccurate  
930 or incomplete, he may request the original agency having custody  
931 or control of the records to purge, modify or supplement them and  
932 to so notify the center of such changes. Should the agency  
933 decline to so act or should the individual believe the agency's  
934 decision to be otherwise unsatisfactory, the individual or his  
935 attorney may within thirty (30) days of such decision enter an  
936 appeal to the county or circuit court of the county of his  
937 residence or to such court in the county where such agency exists.  
938 The court in each such case shall conduct a de novo hearing and  
939 may order such relief as it finds to be required by law. Such  
940 appeals shall be entered in the same manner as other appeals are  
941 entered.

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

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

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

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

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

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

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

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

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

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

988 shall not be available under the provisions of this section for  
989 noncriminal justice purposes.

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

995 (5) Any individual or his attorney who is the subject of the  
996 record to be checked, upon positive verification of the  
997 individual's identity, may request to review the disseminated  
998 information and shall follow the procedure set forth in Section  
999 45-27-11. If the individual wishes to correct the record as it  
1000 appears in the center's system, the person shall follow the  
1001 procedure set forth in Section 45-27-11. The right of a person to  
1002 review the person's criminal history record information shall not  
1003 be used by a prospective employer or others as a means to  
1004 circumvent procedures or fees for accessing records for  
1005 noncriminal justice purposes.

1006 (6) The center may impose procedures, including the  
1007 submission of fingerprints, fees or restrictions, as are  
1008 reasonably necessary to assure the record's security, to verify  
1009 the identities of those who seek to inspect them, and to maintain  
1010 an orderly and efficient mechanism for access. All fees shall be  
1011 assessed and deposited in accordance with the provisions of  
1012 Section 45-27-8.

1013 (7) Local agencies may release their own agency records  
1014 according to their own policies.

1015 (8) Release of the above-described information for  
1016 noncriminal justice purposes shall be made only by the center,  
1017 under the limitations of this section, and such compiled records  
1018 will not be released or disclosed for noncriminal justice purposes  
1019 by other agencies in the state.

1020 SECTION 20. Section 45-27-13, Mississippi Code of 1972, is  
1021 amended as follows:

1022 45-27-13. (1) Any person who knowingly requests, obtains or  
1023 attempts to obtain criminal history record information and other  
1024 information maintained in the center's network under false  
1025 pretenses or who misuses criminal history record information or  
1026 information maintained in the center's network except in  
1027 accordance with law or who knowingly communicates or attempts to  
1028 communicate criminal history record information to any agency or  
1029 person except in accordance with this chapter, or any member,  
1030 officer, employee or agent of the \* \* \* center, \* \* \* or any  
1031 participating agency who knowingly falsifies criminal history  
1032 record information, or any records relating thereto, shall for  
1033 each such offense be fined not more than Five Thousand Dollars  
1034 (\$5,000.00) or be imprisoned for not more than one (1) year, or  
1035 both fined and imprisoned.

1036 (2) Any person who knowingly discloses or attempts to  
1037 disclose the techniques or methods employed to ensure the security  
1038 and privacy of information or data contained in criminal justice  
1039 information systems, except in accordance with this chapter, shall  
1040 for each such offense be fined not more than Five Thousand Dollars  
1041 (\$5,000.00) or be imprisoned for not more than two (2) years in  
1042 the custody of the Department of Corrections, or both.

1043 SECTION 21. Section 45-27-17, Mississippi Code of 1972, is  
1044 amended as follows:

1045 45-27-17. **Counties, municipalities and users of network**  
1046 **authorized to pay pro rata cost of justice information center.**

1047 All boards of supervisors, municipal authorities of the state  
1048 and other users of the network are hereby authorized to  
1049 appropriate and pay, in their discretion, to the Department of  
1050 Public Safety such sum as may be assessed against said county or  
1051 municipality or user agency as their pro rata cost of the justice  
1052 information system and Mississippi Justice Information Center.



1053 SECTION 22. The following provision shall be codified as  
1054 Section 45-27-19, Mississippi Code of 1972:

1055 45-27-19. **Exemption of Records.**

1056 (1) Unless specifically authorized by law, records  
1057 maintained by the center shall be exempt from the provisions of  
1058 the Mississippi Public Records Act of 1983.

1059 (2) Intelligence and investigative files maintained by law  
1060 enforcement shall be kept separate from criminal history record  
1061 information and shall be exempt from dissemination under the  
1062 provisions of this chapter and the Mississippi Public Records Law.

1063 SECTION 23. Section 12 of this act shall take effect and be  
1064 in force from and after passage, and the remainder of this act  
1065 shall take effect and be in force from and after July 1, 2001.