

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 2986
(As Sent to Governor)

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 PROVIDE THAT
17 CERTAIN OFFENDERS SHALL BE SUBJECT TO LIFETIME REGISTRATION; TO
18 AMEND SECTION 45-33-49, MISSISSIPPI CODE OF 1972, TO REVISE PUBLIC
19 NOTIFICATION; TO AMEND SECTION 37-9-17, MISSISSIPPI CODE OF 1972,
20 TO REVISE THE CENTRAL REGISTRY OF OFFENDERS; TO REVISE THE
21 MISSISSIPPI JUSTICE INFORMATION CENTER ACT; TO AMEND SECTION
22 45-27-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THE RECORD-KEEPING
23 DUTIES OF THE CENTER; TO AMEND SECTION 45-27-3, MISSISSIPPI CODE
24 OF 1972, TO REVISE DEFINITIONS; TO AMEND SECTION 45-27-7,
25 MISSISSIPPI CODE OF 1972, TO REVISE THE DUTIES AND FUNCTIONS OF
26 THE JUSTICE INFORMATION CENTER; TO CREATE A NEW SECTION TO BE
27 CODIFIED AS SECTION 45-27-8, MISSISSIPPI CODE OF 1972, TO
28 AUTHORIZE IMPOSITION OF FEES; TO AMEND SECTION 45-27-9,
29 MISSISSIPPI CODE OF 1972, TO REVISE SUBMISSION OF DATA BY CRIMINAL
30 JUSTICE AGENCIES; TO AMEND SECTION 45-27-11, MISSISSIPPI CODE OF
31 1972, TO REVISE THE INSPECTION OF, AND CORRECTION OF ERRORS IN,
32 RECORDS; TO CODIFY SECTION 45-27-12, MISSISSIPPI CODE OF 1972, TO
33 PERMIT DISSEMINATION OF INFORMATION FOR CERTAIN NONCRIMINAL USES;
34 TO AMEND SECTION 45-27-13, MISSISSIPPI CODE OF 1972, TO REVISE
35 PENALTIES FOR VIOLATIONS; TO AMEND SECTION 45-27-17, MISSISSIPPI
36 CODE OF 1972, TO REVISE THE SHARING OF COSTS OF OPERATION OF THE
37 CENTER; TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
38 45-27-19, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE CENTER'S
39 RECORDS ARE EXEMPT FROM THE PUBLIC RECORDS LAW; AND FOR RELATED
40 PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

105 (ii) Section 97-3-65 relating to rape; however,
106 conviction or adjudication under Section 97-3-65(1)(a) on or after
107 July 1, 1998, when the offender was eighteen (18) years of age or
108 younger at the time of the alleged offense, shall not be a
109 registrable sex offense;

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

112 (iv) Section 97-3-95 relating to sexual battery;
113 however, conviction or adjudication under Section 97-3-95(1)(c) on
114 or after July 1, 1998, when the offender was eighteen (18) years
115 of age or younger at the time of the alleged offense, shall not be
116 a registrable sex offense;

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

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

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

123 (viii) Section 97-5-33 relating to the
124 exploitation of children;

125 (ix) Section 97-5-41 relating to the carnal
126 knowledge of a stepchild, adopted child or child of a cohabiting
127 partner;

128 (x) Section 97-29-59 relating to unnatural
129 intercourse;

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

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

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

138 (xiv) Any offense resulting in a conviction in
139 another jurisdiction, whether state, federal or military, for
140 which registration is required in the jurisdiction where the
141 conviction was had.

142 * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

259 45-33-31. All registrants shall register every ninety (90)
260 days. Reregistration includes the submission of current
261 information to the department and the verification of registration
262 information, including the street address and telephone number of
263 the registrant; name, street address and telephone number of the
264 registrant; employment along with any other registration
265 information that may need to be verified.

266 (a) The Department of Public Safety shall send a
267 nonforwardable verification form to the last reported address of
268 the person * * *.

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

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

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

277 45-33-33. (1) The failure of an offender to provide any
278 registration or other information, including, but not limited to,
279 initial registration, reregistration or change of address
280 information, as required by this chapter, is a violation of the
281 law. Additionally, forgery of information or submission of
282 information under false pretenses is also a violation of the law.

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

288 (3) Whenever it appears that an offender has failed to
289 comply with the duty to register or reregister, the department
290 shall promptly notify the sheriff of the county of the last known
291 address of the offender. Upon notification, the sheriff shall
292 attempt to locate the offender at his last known address.

293 (a) If the sheriff locates the offender he shall
294 enforce the provisions of this chapter. The sheriff shall then
295 notify the department with the current information regarding the
296 offender.

297 (b) If the sheriff is unable to locate the offender,
298 the sheriff shall promptly notify the department and initiate a
299 criminal prosecution against the offender for the failure to
300 register or reregister. The sheriff shall make the appropriate
301 transactions into the Federal Bureau of Investigation's
302 wanted-person database.

303 (4) A first violation of this chapter may result in the
304 arrest of the offender. Upon any second or subsequent violation

305 of this chapter, the offender shall be arrested for such
306 violation.

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

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

311 45-33-35. (1) The Mississippi Department of Public Safety
312 shall maintain a central registry of sex offender information as
313 defined in Section 45-33-25 and shall adopt rules and regulations
314 necessary to carry out this section. The responsible agencies
315 shall provide the information required in Section 45-33-25 on a
316 form developed by the department to ensure accurate information is
317 maintained.

318 (2) Upon conviction, adjudication or acquittal by reason of
319 insanity of any sex offender, if the sex offender is not
320 immediately confined or not sentenced to a term of imprisonment,
321 the clerk of the court which convicted and sentenced the sex
322 offender shall inform the person of the duty to register and shall
323 perform the registration duties as described in Section 45-33-23
324 and forward the information to the department.

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

330 (4) Upon release from confinement in a mental institution
331 following an acquittal by reason of insanity, the director of the
332 facility shall inform the offender of the duty to register and
333 shall notify the Department of Public Safety of the offender's
334 release.

335 (5) Upon release from a youthful offender facility, the
336 director of the facility shall inform the person of the duty to
337 register and shall perform the registration duties as described in

338 Section 45-33-23 and forward the information to the Department of
339 Public Safety.

340 (6) In addition to performing the registration duties, the
341 responsible agency shall:

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

343 (i) The person shall report in writing any change
344 of address to the department ten (10) days before changing
345 address.

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

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

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

355 (v) Any change in status of a registrant's
356 enrollment, employment or vocation at any institution of higher
357 learning shall be reported to the department in writing within ten
358 (10) days of the change.

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

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

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

368 45-33-37. (1) The Mississippi Crime Laboratory shall
369 develop a plan for and establish a deoxyribonucleic acid (DNA)
370 identification system. In implementing the plan, the Mississippi

371 Crime Laboratory shall purchase the appropriate equipment. The
372 DNA identification system as established herein shall be
373 compatible with that utilized by the Federal Bureau of
374 Investigation.

375 (2) From and after January 1, 1996, every individual
376 convicted of a sex offense or in the custody of the Mississippi
377 Department of Corrections for a sex offense as defined in Section
378 45-33-23 shall submit a biological sample * * * for purposes of
379 DNA identification analysis before release from or transfer to a
380 state correctional facility or county jail or other detention
381 facility.

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

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

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

392 45-33-47. (1) A sex offender with a duty to register under
393 Section 45-33-25 shall only be relieved of the duty under
394 subsection (2) of this section.

395 (2) A person having a duty to register under Section
396 45-33-25 may petition the circuit court of the sentencing
397 jurisdiction to be relieved of that duty under the following
398 conditions:

399 (a) The offender has maintained his registration in
400 Mississippi for not less than ten (10) years from the most recent
401 date of occurrence of at least one (1) of the following: release
402 from prison, placement on parole, supervised release or probation.
403 Incarceration for any offense will restart the ten-year minimum

404 registration requirement. Registration in any other jurisdiction
405 or state does not reduce the ten-year time requirement for
406 maintaining registration in Mississippi.

407 (b) If the offender has been convicted of one (1) of
408 the following offenses, the offender is subject to lifetime
409 registration and shall not be relieved of the duty to register:

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

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

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

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

416 (v) Section 97-5-41 relating to the carnal
417 knowledge of a stepchild, adopted child or child of a cohabiting
418 partner; or

419 (vi) Any conviction for violation of a similar law
420 of another jurisdiction.

421 (c) An offender who has two (2) separate convictions
422 for any of the offenses described in Section 45-33-23 is subject
423 to lifetime registration and shall not be eligible to petition to
424 be relieved of the duty to register as long as at least one (1) of
425 the convictions was entered on or after July 1, 1995.

426 (d) An offender who resides in Mississippi and who has
427 been designated a sexual predator, a sexually violent predator or
428 a similar designation in another state, is subject to lifetime
429 registration and shall not be eligible to petition to be relieved
430 of the duty to register.

431 (e) An offender twice adjudicated delinquent in a youth
432 court for the crime of rape pursuant to Section 96-3-65 or sexual
433 battery pursuant to Section 97-3-95 is subject to lifetime
434 registration and shall not be eligible to petition to be relieved
435 of the duty to register.

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 web
474 site 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 local school district the licensed employees or
493 noninstructional employees to be employed for the school involved
494 except those licensed employees or noninstructional employees who
495 have been previously employed and who have a contract valid for
496 the ensuing scholastic year. If such recommendations meet with
497 the approval of the superintendent, the superintendent shall
498 recommend the employment of such licensed employees or
499 noninstructional employees to the local school board, and, unless
500 good reason to the contrary exists, the board shall elect the
501 employees so recommended. If, for any reason, the local school

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

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

533 If, at the commencement of the scholastic year, any licensed
534 employee shall present to the superintendent a license of a higher

535 grade than that specified in such individual's contract, such
536 individual may, if funds are available from minimum education
537 program funds of the district, or from district funds, be paid
538 from such funds the amount to which such higher grade license
539 would have entitled the individual, had the license been held at
540 the time the contract was executed.

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

568 (3) If such fingerprinting or criminal record checks
569 disclose a felony conviction, guilty plea or plea of nolo
570 contendere to a felony of possession or sale of drugs, murder,
571 manslaughter, armed robbery, rape, sexual battery, sex offense
572 listed in Section 45-33-23(g), child abuse, arson, grand larceny,
573 burglary, gratification of lust or aggravated assault which has
574 not been reversed on appeal or for which a pardon has not been
575 granted, the new hire shall not be eligible to be employed at such
576 school. Any employment contract for a new hire executed by the
577 superintendent of the local school district or any employment of a
578 new hire by a superintendent/director of a new school under the
579 purview of the Mississippi Board of Education shall be voidable if
580 the new hire receives a disqualifying criminal record check.
581 However, the Mississippi Board of Education or the school board
582 may, in its discretion, allow any applicant aggrieved by the
583 employment decision under this section to appear before the
584 respective board, or before a hearing officer designated for such
585 purpose, to show mitigating circumstances which may exist and
586 allow the new hire to be employed at the school. The Mississippi
587 Board of Education or local school board may grant waivers for
588 such mitigating circumstances, which shall include, but not be
589 limited to: (a) age at which the crime was committed; (b)
590 circumstances surrounding the crime; (c) length of time since the
591 conviction and criminal history since the conviction; (d) work
592 history; (e) current employment and character references; (f)
593 other evidence demonstrating the ability of the person to perform
594 the employment responsibilities competently and that the person
595 does not pose a threat to the health or safety of the children at
596 the school.

597 (4) No local school district or local school district
598 employee or members of the Mississippi Board of Education or
599 employee of a school under the purview of the Mississippi Board of
600 Education shall be held liable in any employment discrimination

601 suit in which an allegation of discrimination is made regarding an
602 employment decision authorized under this Section 37-9-17.

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

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

607 45-27-1. The Legislature finds and declares that a more
608 effective administrative structure now is required to control the
609 collection, storage, dissemination and use of criminal offender
610 record information. These improvements in the organization and
611 control of criminal offender record-keeping are imperative both to
612 strengthen the administration of criminal justice and to assure
613 appropriate protection of rights of individual privacy. * * * The
614 purposes of this chapter are (a) to control and coordinate
615 criminal offender record-keeping within this state; (b) to assure
616 periodic reporting to the Governor and Legislature concerning such
617 record-keeping; and (c) to establish a more effective
618 administrative structure for the collection, maintenance,
619 retrieval and dissemination of criminal history record information
620 described in this chapter, consistent with those principles of
621 scope and security prescribed by this chapter.

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

624 45-27-3. For the purposes of this chapter, the following
625 words shall have the meanings ascribed to them in this section
626 unless the context requires otherwise:

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

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

633 (c) "Justice information system" means those agencies,
634 procedures, mechanisms, media and forms, as well as the
635 information itself, which are or become involved in the
636 origination, transmittal, storage, retrieval and dissemination of
637 information related to reported offenses and offenders, and the
638 subsequent actions related to such events or persons.

639 (d) "Criminal justice information" means the following
640 classes of information:

641 (i) "Secret data" which includes information
642 dealing with those elements of the operation and programming of
643 the Mississippi Justice Information Center computer system and the
644 communications network and satellite computer systems handling
645 criminal justice information which prevents unlawful intrusion
646 into the system.

647 (ii) "Criminal history record information," which
648 means information collected by criminal justice agencies on
649 individuals consisting of identifiable descriptions and notations
650 of arrests, detentions, indictments, affidavits, information or
651 other formal charges and any disposition arising therefrom,
652 sentencing, correctional supervision and release. The term does
653 not include identification information such as fingerprint records
654 or images to the extent that such information does not indicate
655 involvement of the individual in the criminal justice system.

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

660 (iv) "Restricted data," which contains information
661 relating to data-gathering techniques, distribution methods,
662 manuals and forms.

663 (v) "Law enforcement agency" or "originating
664 agency" or "agency" which includes a governmental unit or agency
665 composed of one or more persons employed full time or part time by

666 the state as a political subdivision thereof for the following
667 purposes: (A) the administration of criminal justice, which
668 includes the prevention and detection of crime; the apprehension,
669 pretrial release, post-trial release, prosecution, adjudication,
670 correctional supervision or rehabilitation of accused persons or
671 criminal offenders; or the collection, storage and dissemination
672 of criminal history record information; or (B) the enforcement of
673 state laws or local ordinances, which includes making arrests for
674 crimes while acting within the scope of their authority. The
675 agency must perform one or more of the above-described criminal
676 justice duties and allocate a substantial part of its annual
677 budget to the administration of criminal justice.

678 (e) "Center" means the Mississippi Justice Information
679 Center or the Mississippi Criminal Information Center.

680 (f) "Department" means the Mississippi Department of
681 Public Safety.

682 (g) "Conviction information" means criminal history
683 record information disclosing that a person was found guilty of,
684 or has pleaded guilty or nolo contendere to, a criminal offense in
685 a court of law, together with any sentencing information. This
686 includes a conviction in a federal or military tribunal, including
687 a court martial conducted by the Armed Forces of the United
688 States, or a conviction for an offense committed on an Indian
689 Reservation or other federal property, or any court of a state of
690 the United States.

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

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

697 45-27-7. (1) The Mississippi Justice Information Center
698 shall:

699 (a) Develop, operate and maintain an information system
700 which will support the collection, storage, retrieval and
701 dissemination of all crime and offender data described in this
702 chapter, consistent with those principles of scope, security and
703 responsiveness prescribed by this chapter.

704 (b) Cooperate with all criminal justice agencies within
705 the state in providing those forms, procedures, standards and
706 related training assistance necessary for the uniform operation of
707 the statewide center.

708 (c) Offer assistance and, when practicable, instruction
709 to all local law enforcement agencies in establishing efficient
710 local records systems.

711 (d) Make available, upon request, to all local and
712 state criminal justice agencies, to all federal criminal justice
713 agencies and to criminal justice agencies in other states any
714 information in the files of the center which will aid such
715 agencies in the performance of their official duties. For this
716 purpose the center shall operate on a twenty-four-hour basis,
717 seven (7) days a week. Such information, when authorized by the
718 director of the center, may also be made available to any other
719 agency of this state or any political subdivision thereof and to
720 any federal agency, upon assurance by the agency concerned that
721 the information is to be used for official purposes only in the
722 prevention or detection of crime or the apprehension of criminal
723 offenders.

724 (e) Cooperate with other agencies of this state, the
725 crime information agencies of other states, and the national crime
726 information center systems of the Federal Bureau of Investigation
727 in developing and conducting an interstate, national and
728 international system of criminal identification and records.

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

732 (g) Institute necessary measures in the design,
733 implementation and continued operation of the justice information
734 system to ensure the privacy and security of the system. Such
735 measures shall include establishing complete control over use of
736 and access to the system and restricting its integral resources
737 and facilities and those either possessed or procured and
738 controlled by criminal justice agencies. Such security measures
739 must meet standards developed by the center as well as those set
740 by the nationally operated systems for interstate sharing of
741 information.

742 (h) Provide data processing for files listing motor
743 vehicle drivers' license numbers, motor vehicle registration
744 numbers, wanted and stolen motor vehicles, outstanding warrants,
745 identifiable stolen property and such other files as may be of
746 general assistance to law enforcement agencies; provided, however,
747 that the purchase, lease, rental or acquisition in any manner of
748 "computer equipment or services," as defined in Section 25-53-3,
749 Mississippi Code of 1972, shall be subject to the approval of the
750 Mississippi Information Technology Services.

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

754 (2) The department, including the investigative division or
755 the center, shall:

756 (a) Obtain and store fingerprints, descriptions,
757 photographs and any other pertinent identifying data on persons
758 who:

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

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

762 (B) For an offense which is a

763 misdemeanor * * *;

764 (C) As a fugitive from justice; or

765 (ii) Are or become habitual offenders; or
766 (iii) Are currently or become confined to any
767 prison, penitentiary or other penal institution; or
768 (iv) Are unidentified human corpses found in the
769 state.

770 (b) Compare all fingerprint and other identifying data
771 received with that already on file and determine whether or not a
772 criminal record is found for such person, and at once inform the
773 requesting agency or arresting officer of those facts that may be
774 disseminated consistent with applicable security and privacy laws
775 and regulations. A record shall be maintained for a minimum of
776 one (1) year of the dissemination of each individual criminal
777 history, including at least the date and recipient of such
778 information.

779 (c) Establish procedures to respond to those
780 individuals who file requests to review their own records,
781 pursuant to Sections 45-27-11 and 45-27-12, and to cooperate in
782 the correction of the central center records and those of
783 contributing agencies when their accuracy has been successfully
784 challenged either through the related contributing agencies or by
785 court order issued on behalf of an individual.

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

788 45-27-8. Mississippi Justice Information Center authorized
789 **to charge fees for services and reports.**

790 The center, by direction of the Commissioner of the
791 Department of Public Safety, shall establish and collect fees
792 reasonably calculated to reimburse the center for the actual cost
793 of searching, reviewing, duplicating and mailing records or
794 information of any kind maintained by the center and authorized
795 for release by this chapter.

796 No records shall be furnished by the center which are
797 classified as confidential by law.

798 All fees collected by the center pursuant to this chapter
799 shall be deposited into the Criminal Information Center Special
800 Fund hereby created in the State Treasury. Monies deposited in
801 such fund shall be expended by the center, as authorized and
802 appropriated by the Legislature, to defray the expenses of the
803 center. Any revenue in the fund which is not encumbered at the
804 end of the fiscal year shall not lapse to the State General Fund
805 but shall remain in the special fund.

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

808 45-27-9. (1) All criminal justice agencies within the state
809 shall submit to the center fingerprints, descriptions, photographs
810 (when specifically requested), and other identifying data on
811 persons who have been lawfully arrested or taken into custody in
812 this state for all felonies and * * * misdemeanors as described in
813 Section 45-27-7(2)(a). It shall be the duty of all chiefs of
814 police, sheriffs, district attorneys, courts, court clerks,
815 judges, parole and probation officers, wardens or other persons in
816 charge of correctional institutions in this state to furnish the
817 center with any other data deemed necessary by the center to carry
818 out its responsibilities under this chapter.

819 (2) All persons in charge of law enforcement agencies shall
820 obtain, or cause to be obtained, fingerprints according to the
821 fingerprint system of identification established by the Director
822 of the Federal Bureau of Investigation, full face and profile
823 photographs (if equipment is available) and other available
824 identifying data, of each person arrested or taken into custody
825 for an offense of a type designated in subsection (1) of this
826 section, of all persons arrested or taken into custody as
827 fugitives from justice and of all unidentified human corpses in
828 their jurisdictions, but photographs need not be taken if it is
829 known that photographs of the type listed, taken within the
830 previous year, are on file. Any record taken in connection with

831 any person arrested or taken into custody and subsequently
832 released without charge or cleared of the offense through court
833 proceedings shall be purged from the files of the center and
834 destroyed upon receipt by the center of a lawful expunction order.
835 All persons in charge of law enforcement agencies shall submit to
836 the center detailed descriptions of arrests or takings into
837 custody which result in release without charge or subsequent
838 exoneration from criminal liability within twenty-four (24) hours
839 of such release or exoneration.

840 (3) Fingerprints and other identifying data required to be
841 taken under subsection (2) shall be forwarded within twenty-four
842 (24) hours after taking for filing and classification, but the
843 period of twenty-four (24) hours may be extended to cover any
844 intervening holiday or weekend. Photographs taken shall be
845 forwarded at the discretion of the agency concerned, but, if not
846 forwarded, the fingerprint record shall be marked "Photo
847 Available" and the photographs shall be forwarded subsequently if
848 the center so requests.

849 (4) All persons in charge of law enforcement agencies shall
850 submit to the center detailed descriptions of arrest warrants and
851 related identifying data immediately upon determination of the
852 fact that the warrant cannot be served for the reasons stated. If
853 the warrant is subsequently served or withdrawn, the law
854 enforcement agency concerned must immediately notify the center of
855 such service or withdrawal. Also, the agency concerned must
856 annually, no later than January 31 of each year and at other times
857 if requested by the center, confirm all such arrest warrants which
858 continue to be outstanding. Upon receipt of a lawful expunction
859 order, the center shall purge and destroy files of all data
860 relating to an offense when an individual is subsequently
861 exonerated from criminal liability of that offense. The center
862 shall not be liable for the failure to purge, destroy or expunge

863 any records if an agency or court fails to forward to the center
864 proper documentation ordering such action.

865 (5) All persons in charge of state correctional institutions
866 shall obtain fingerprints, according to the fingerprint system of
867 identification established by the Director of the Federal Bureau
868 of Investigation or as otherwise directed by the center, and full
869 face and profile photographs of all persons received on commitment
870 to such institutions. The prints so taken shall be forwarded to
871 the center, together with any other identifying data requested,
872 within ten (10) days after the arrival at the institution of the
873 person committed. At the time of release, the institution will
874 again obtain fingerprints, as before, and forward them to the
875 center within ten (10) days, along with any other related
876 information requested by the center. The institution shall notify
877 the center immediately upon the release of such person.

878 (6) All persons in charge of law enforcement agencies, all
879 court clerks, all municipal justices where they have no clerks,
880 all justice court judges and all persons in charge of state and
881 county probation and parole offices, shall supply the center with
882 the information described in subsections (4) and (10) of this
883 section on the basis of the forms and instructions to be supplied
884 by the center.

885 (7) All persons in charge of law enforcement agencies in
886 this state shall furnish the center with any other identifying
887 data required in accordance with guidelines established by the
888 center. All law enforcement agencies and correctional
889 institutions in this state having criminal identification files
890 shall cooperate in providing the center with copies of such items
891 in such files which will aid in establishing the nucleus of the
892 state criminal identification file.

893 (8) All law enforcement agencies within the state shall
894 report to the center, in a manner prescribed by the center, all
895 persons wanted by and all vehicles and identifiable property

896 stolen from their jurisdictions. The report shall be made as soon
897 as is practical after the investigating department or agency
898 either ascertains that a vehicle or identifiable property has been
899 stolen or obtains a warrant for an individual's arrest or
900 determines that there are reasonable grounds to believe that the
901 individual has committed a crime. The report shall be made within
902 a reasonable time period following the reporting department's or
903 agency's determination that it has grounds to believe that a
904 vehicle or property was stolen or that the wanted person should be
905 arrested.

906 (9) All law enforcement agencies in the state shall
907 immediately notify the center if at any time after making a report
908 as required by subsection (8) of this section it is determined by
909 the reporting department or agency that a person is no longer
910 wanted or that a vehicle or property stolen has been recovered.
911 Furthermore, if the agency making such apprehension or recovery is
912 not the one which made the original report, then it shall
913 immediately notify the originating agency of the full particulars
914 relating to such apprehension or recovery using methods prescribed
915 by the center.

916 (10) All law enforcement agencies in the state and clerks of
917 the various courts shall promptly report to the center all
918 instances where records of convictions of criminals are ordered
919 expunged by courts of this state as now provided by law. The
920 center shall promptly expunge from the files of the center and
921 destroy all records pertaining to any convictions that are ordered
922 expunged by the courts of this state as provided by law.

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

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

928 45-27-11. **Review or challenge of criminal offender records;**
929 **correction of errors in records.**

930 The center shall make a person's criminal records available
931 for inspection by him or his attorney upon written request. Prior
932 to inspection, the person must submit a set of fingerprints, sign
933 a written authorization for the records check, and provide any
934 other identifying information required by the center. Should such
935 person or his attorney contest the accuracy of any portion of such
936 records, the center shall make available to such person or his
937 attorney a copy of the contested record upon written application
938 identifying the portion of the record contested and showing the
939 reason for the contest of accuracy. Forms, procedures, fees,
940 identification and other related aspects pertinent to such access
941 may be prescribed by the center in making access available.

942 If an individual believes such information to be inaccurate
943 or incomplete, he may request the original agency having custody
944 or control of the records to purge, modify or supplement them and
945 to so notify the center of such changes. Should the agency
946 decline to so act or should the individual believe the agency's
947 decision to be otherwise unsatisfactory, the individual or his
948 attorney may within thirty (30) days of such decision enter an
949 appeal to the county or circuit court of the county of his
950 residence or to such court in the county where such agency exists.
951 The court in each such case shall conduct a de novo hearing and
952 may order such relief as it finds to be required by law. Such
953 appeals shall be entered in the same manner as other appeals are
954 entered.

955 Should the record in question be found to be inaccurate or
956 incomplete * * *, the court shall order it to be appropriately
957 expunged, modified or supplemented by an explanatory notation.
958 Each agency or individual in the state with custody, possession or
959 control of any such record shall promptly cause each and every
960 copy thereof in his custody, possession or control to be altered

961 in accordance with the court's order. Notification of each such
962 deletion, amendment and supplementary notation shall be promptly
963 disseminated to any individuals or agencies to which the records
964 in question have been communicated as well as to the individual
965 whose records have been ordered so altered. The center shall not
966 be held liable for the failure to modify, supplement, destroy or
967 expunge records if an agency or court fails to forward to the
968 center proper documentation ordering such action.

969 Agencies, including the center, at which criminal offender
970 records are sought to be inspected may prescribe reasonable hours
971 and places of inspection and may impose such additional
972 procedures, fees or restrictions, including fingerprinting, as are
973 reasonably necessary both to assure the record's security, to
974 verify the identities of those who seek to inspect them and to
975 maintain an orderly and efficient mechanism for such access.

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

978 45-27-12. **Dissemination of certain criminal history record**
979 **information for noncriminal justice purposes.**

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

984 (a) To any local, state or federal governmental agency
985 that requests the information for the enforcement of a local,
986 state or federal law;

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

990 (c) To any federal agency or central repository in
991 another state requesting the information for purposes authorized
992 by law.

993 (2) Information disseminated for noncriminal justice
994 purposes as specified in this section shall be used only for the
995 purpose for which it was made available and may not be
996 re-disseminated.

997 (3) No agency or individual shall confirm the existence or
998 nonexistence of criminal history record information to any person
999 or organization that would not be eligible to receive the
1000 information pursuant to this section. Nonconviction information
1001 shall not be available under the provisions of this section for
1002 noncriminal justice purposes.

1003 (4) Upon request for a check pursuant to this section, the
1004 nongovernmental entity or employer must provide proper
1005 identification and authorization information from the subject of
1006 the record to be checked and adhere to policies established by the
1007 center for such record checks.

1008 (5) Any individual or his attorney who is the subject of the
1009 record to be checked, upon positive verification of the
1010 individual's identity, may request to review the disseminated
1011 information and shall follow the procedure set forth in Section
1012 45-27-11. If the individual wishes to correct the record as it
1013 appears in the center's system, the person shall follow the
1014 procedure set forth in Section 45-27-11. The right of a person to
1015 review the person's criminal history record information shall not
1016 be used by a prospective employer or others as a means to
1017 circumvent procedures or fees for accessing records for
1018 noncriminal justice purposes.

1019 (6) The center may impose procedures, including the
1020 submission of fingerprints, fees or restrictions, as are
1021 reasonably necessary to assure the record's security, to verify
1022 the identities of those who seek to inspect them, and to maintain
1023 an orderly and efficient mechanism for access. All fees shall be
1024 assessed and deposited in accordance with the provisions of
1025 Section 45-27-8.

1026 (7) Local agencies may release their own agency records
1027 according to their own policies.

1028 (8) Release of the above-described information for
1029 noncriminal justice purposes shall be made only by the center,
1030 under the limitations of this section, and such compiled records
1031 will not be released or disclosed for noncriminal justice purposes
1032 by other agencies in the state.

1033 SECTION 20. Section 45-27-13, Mississippi Code of 1972, is
1034 amended as follows:

1035 45-27-13. (1) Any person who knowingly requests, obtains or
1036 attempts to obtain criminal history record information and other
1037 information maintained in the center's network under false
1038 pretenses or who misuses criminal history record information or
1039 information maintained in the center's network except in
1040 accordance with law or who knowingly communicates or attempts to
1041 communicate criminal history record information to any agency or
1042 person except in accordance with this chapter, or any member,
1043 officer, employee or agent of the * * * center, * * * or any
1044 participating agency who knowingly falsifies criminal history
1045 record information, or any records relating thereto, shall for
1046 each such offense be fined not more than Five Thousand Dollars
1047 (\$5,000.00) or be imprisoned for not more than one (1) year, or
1048 both fined and imprisoned.

1049 (2) Any person who knowingly discloses or attempts to
1050 disclose the techniques or methods employed to ensure the security
1051 and privacy of information or data contained in criminal justice
1052 information systems, except in accordance with this chapter, shall
1053 for each such offense be fined not more than Five Thousand Dollars
1054 (\$5,000.00) or be imprisoned for not more than two (2) years in
1055 the custody of the Department of Corrections, or both.

1056 SECTION 21. Section 45-27-17, Mississippi Code of 1972, is
1057 amended as follows:

1058 45-27-17. **Counties, municipalities and users of network**
1059 **authorized to pay pro rata cost of justice information center.**

1060 All boards of supervisors, municipal authorities of the state
1061 and other users of the network are hereby authorized to
1062 appropriate and pay, in their discretion, to the Department of
1063 Public Safety such sum as may be assessed against said county or
1064 municipality or user agency as their pro rata cost of the justice
1065 information system and Mississippi Justice Information Center.

1066 SECTION 22. The following provision shall be codified as
1067 Section 45-27-19, Mississippi Code of 1972:

1068 45-27-19. Exemption of Records.

1069 (1) Unless specifically authorized by law, records
1070 maintained by the center shall be exempt from the provisions of
1071 the Mississippi Public Records Act of 1983.

1072 (2) Intelligence and investigative files maintained by law
1073 enforcement shall be kept separate from criminal history record
1074 information and shall be exempt from dissemination under the
1075 provisions of this chapter and the Mississippi Public Records Law.

1076 SECTION 23. Section 12 of this act shall take effect and be
1077 in force from and after its passage, and the remainder of this act
1078 shall take effect and be in force from and after July 1, 2001.