SENATE BILL NO. 2481

AN ACT TO CODIFY SECTION 45-39-17, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN COUNTIES AND MUNICIPALITIES WHICH HAVE ESTABLISHED A LOCAL CRIME STOPPERS PROGRAM TO ASSESS AN ADDITIONAL SURCHARGE UPON PERSONS FINED FOR CERTAIN MISDEMEANORS FOR THE PURPOSE OF FUNDING PARTICIPATION IN SUCH PROGRAM; TO AMEND SECTION 45-39-15, MISSISSIPPI CODE OF 1972, TO EXPAND THE AUTHORITY OF LOCAL GOVERNMENTAL UNITS TO ESTABLISH A LOCAL CRIME STOPPERS PROGRAM UNDER THIS CHAPTER; TO AMEND SECTION 45-39-7, MISSISSIPPI CODE OF 1972, TO REVISE THE CONFIDENTIALITY OF CRIME STOPPERS COMMUNICATIONS RECORDS; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 45-39-17, Mississippi Code of 1972:

45-39-17. In addition to any other monetary penalties and other penalties imposed by law, any county or municipality by ordinance may assess an additional surcharge in an amount not to exceed Two Dollars ($2.00) on each person upon whom a county, justice or municipal court imposes a fine or other penalty for any misdemeanor other than offenses relating to vehicular parking or registration if there is established to the benefit of the citizens of the county or municipality a local crime stoppers program which is not authorized to receive funds under local and private legislation. The proceeds from the surcharge may be used by a county or municipality only to fund that county's or municipality's support of the local crime stoppers program as authorized by Section 45-39-15, Mississippi Code of 1972. The proceeds from the surcharge imposed by this subsection shall be deposited into a special fund in the Department of Public Safety's Office of Public Safety Planning which shall promulgate rules and procedures relating to the administration of the special fund and the disbursement of monies in the fund to participating counties.
and municipalities. The maximum amount that a county or
municipality may receive from the special fund shall be an amount
equal to the deposits made into the fund by that entity, less one
percent (1%) to be retained by the Office of Public Safety
Planning to defray the costs of administering the special fund.
Interest earned on the special fund shall remain in the fund and
shall be used by the Office of Public Safety Planning to further
defray the costs of administering the special fund.

SECTION 2. Section 45-39-15, Mississippi Code of 1972, is
amended as follows:

45-39-15. * * * The board of supervisors of a county and the
governing authority of a municipality are authorized to contribute
funds to a local crime stoppers program from the general fund of
the county or municipality or any other available source if the
local crime stoppers program is established to operate, in whole
or in part, within the boundaries of that county or municipality.

This chapter shall not repeal or affect any local and private
act establishing a county or local crime stoppers program
providing for the operation and funding of such program.

SECTION 3. Section 45-39-7, Mississippi Code of 1972, is
amended as follows:

45-39-7. (1) Council records relating to reports of
criminal acts are confidential.

(2) Evidence of a communication between a person submitting
a report of a criminal act to the council or a local crime
stoppers program and the person who accepted the report on behalf
of the council or local crime stoppers program is not admissible
in a court or an administrative proceeding whether the evidence is
held by the council or a local crime stoppers program or is held
by a telecommunication service provider.

(3) Records of the council or a local crime stoppers program
concerning a report of criminal activity and records of a
telecommunication service provider relating to a report made to
the council or to a local crime stoppers program may not be compelled to be produced before a court or other tribunal except on the motion of a criminal defendant to the court in which the offense is being tried that the records or report contain evidence that is exculpatory to the defendant in the trial of that offense. On motion of a defendant under this subsection, the court may subpoena the records or report. The court shall conduct an in-camera inspection of materials produced under subpoena to determine whether the materials contain evidence that is exculpatory to the defendant. If the court determines that the materials produced contain evidence that is exculpatory to the defendant, the court shall present the evidence to the defendant in a form that does not disclose the identity of the person who was the source of the evidence, unless the state or federal constitution requires the disclosure of that person's identity. The court shall execute an affidavit accompanying the disclosed materials swearing that, in the opinion of the court, the materials disclosed represent the exculpatory evidence the defendant is entitled to receive under this section. The court shall return to the council or to the local crime stoppers program materials that are produced under this section but not disclosed to the defendant. The council or local crime stoppers program shall store the materials until the conclusion of the criminal trial and the expiration of the time for all direct appeals in the case.

SECTION 4. This act shall take effect and be in force from and after July 1, 2002.