MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003

By: Representatives Brown, Mayo, Whittington, Pierce

To: Judiciary A

HOUSE BILL NO. 283

AN ACT TO REQUIRE THE ATTORNEY GENERAL, THE STATE TAX COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY AND THE BUREAU OF NARCOTICS TO CREATE A TASK FORCE TO FACILITATE THE INVESTIGATION AND PROSECUTION OF DRUG TRAFFICKING KINGPINS REGARDING TAX EVASION AND OTHER CRIMES; TO REQUIRE REPORTING AND DETERMINATIONS OF POSSIBLE VIOLATIONS OF LAW BEFORE PROSECUTION; TO AUTHORIZE A CRIMINAL INVESTIGATOR TO BE EMPLOYED BY THE STATE TAX COMMISSION; TO REQUIRE THAT CERTAIN INFORMATION SHALL BE CONFIDENTIAL; TO DEFINE CERTAIN TERMS; TO AMEND SECTION 27-3-79, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AUTHORIZE THE ATTORNEY GENERAL TO PROMULGATE RULES AND REGULATIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) The Attorney General, the State Tax Commission, the Department of Public Safety and the Bureau of Narcotics shall create a task force to facilitate the transfer of information from law enforcement agencies to the Attorney General indicating that an individual is a drug trafficking kingpin, is laundering money received from drug trafficking and is likely evading the income reporting requirements of state law. The Attorney General shall examine all relevant information to determine the probability that such violations of law exist. The Attorney General may enlist the aid of any other law enforcement agency in the state in an investigation under this section. If the Attorney General determines that tax evasion is probably occurring, he shall forward the information to the State Tax Commission with a request that the State Tax Commission perform a criminal tax evasion investigation. The State Tax Commission shall report its preliminary findings to the Attorney General within one hundred twenty (120) days after receiving the information.
(2) If the State Tax Commission's report to the Attorney General indicates that the individual who is the subject of the investigation has failed to report income as required by law and such failure constitutes a criminal violation, the Attorney General is authorized to prosecute the individual for criminal tax violations. The Attorney General is authorized to file an exparte petition for release of tax information to the Bureau of Narcotics for presentation to appropriate state or federal prosecutors for the prosecution of federal tax offenses or other applicable offenses.

(3) Subject to available funding, the State Tax Commission is authorized to employ a criminal investigator to carry out the investigative and reporting requirements of this section.

(4) Any information received by the Attorney General, the State Tax Commission, the Bureau of Narcotics or other law enforcement agency shall be confidential except to the extent that disclosure is necessary to pursue tax evasion or other criminal tax charges or unless a proper judicial order is obtained. Information received under this section is exempt from the Mississippi Public Records Act of 1983.

(5) As used in this section:

(a) "Drug trafficking kingpin" means an individual who directs or participates in directing the illegal activities of a kingpin organization.

(b) "Kingpin organization" means a group of individuals, operating as a group either formally or informally, who sell, transport, manufacture and/or deliver controlled substances in felony violation of the Uniform Controlled Substances Law. To qualify as a kingpin organization, the group would either have to distribute major quantities of controlled substances, or their trafficking activities would have to occur in or affect more than one (1) circuit court district.
SECTION 2. Section 27-3-79, Mississippi Code of 1972, is amended as follows:

27-3-79. ***

(1) Any person *** who *** willfully attempts in any manner including violations determined under Section 1 of House Bill No. , 2003 Regular Session, to evade or defeat any tax imposed by the State Tax Commission, or assists in the evading of such tax or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than One Hundred Thousand Dollars ($100,000.00) and, in the case of a corporation, not more than Five Hundred Thousand Dollars ($500,000.00), or imprisoned not more than five (5) years, or both.

(2) Any prosecutions for tax evasion as described in this section shall be commenced within six (6) years next after the statutory due date for the taxes in issue.

SECTION 3. The Attorney General is authorized to promulgate any necessary rules and regulations to carry out the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after July 1, 2003.