

By: Senator(s) Dawkins

To: Judiciary, Division B

SENATE BILL NO. 2748

1 AN ACT TO AMEND SECTION 25-4-109, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE AN INCREASED MONETARY PENALTY FOR VIOLATIONS OF THE
3 PUBLIC ETHICS LAWS ACCORDING TO THE AMOUNT OF PUBLIC MONEY
4 INVOLVED IN THE VIOLATION; TO AMEND SECTION 25-41-15, MISSISSIPPI
5 CODE OF 1972, TO REVISE THE CIVIL PENALTY TO BE ASSESSED BY THE
6 COURT AGAINST THOSE WHO VIOLATE THE OPEN MEETINGS LAW; TO AMEND
7 SECTION 25-61-15, MISSISSIPPI CODE OF 1972, TO REVISE THE CIVIL
8 PENALTY TO BE ASSESSED BY THE COURT AGAINST THOSE WHO VIOLATE THE
9 OPEN RECORDS LAW; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 25-4-109, Mississippi Code of 1972, is
12 amended as follows:

13 25-4-109. (1) Upon a finding by clear and convincing
14 evidence that any elected public servant or other person has
15 violated any provision of this article, a circuit court of
16 competent jurisdiction may censure the elected public servant or
17 remove the elected public servant from office or impose a civil
18 fine of not more than Five Thousand Dollars (\$5,000.00) or both.
19 If the circuit court finds that the violation involved public
20 funds in the amount of Five Thousand Dollars (\$5,000.00) or more,
21 the civil fine imposed by the court shall be not less than Ten
22 Thousand Dollars (\$10,000.00) nor more than One Million Dollars
23 (\$1,000,000.00).

24 (2) Upon a finding by clear and convincing evidence that any
25 nonelected public servant has violated any provision of this
26 article, a circuit court of competent jurisdiction may censure,
27 remove, suspend, or order a reduction in pay or demotion of the
28 nonelected public servant or impose a civil fine of not more than
29 Five Thousand Dollars (\$5,000.00) or both. If the circuit court
30 finds that the violation involved public funds in the amount of

31 Five Thousand Dollars (\$5,000.00) or more, the civil fine imposed
32 by the court shall be not less than Ten Thousand Dollars
33 (\$10,000.00) nor more than One Million Dollars (\$1,000,000.00).

34 **SECTION 2.** Section 25-41-15, Mississippi Code of 1972, is
35 amended as follows:

36 25-41-15. The chancery courts of this state shall have the
37 authority to enforce the provisions of this chapter upon
38 application of any citizen of the state, and shall have the
39 authority to issue injunctions or writs of mandamus to accomplish
40 that purpose. If the court finds that a public body has willfully
41 and knowingly violated the provisions of this chapter, the court
42 shall impose a civil penalty upon each member of the public body
43 in the sum of One Hundred Dollars (\$100.00), plus the court shall
44 order the payment of all reasonable expenses incurred by the
45 person or persons in bringing suit to enforce this chapter, but
46 not to exceed Ten Thousand Dollars (\$10,000.00) in attorney's
47 fees.

48 **SECTION 3.** Section 25-61-15, Mississippi Code of 1972, is
49 amended as follows:

50 25-61-15. Any person who shall willfully and knowingly deny
51 to any person access to any public record which is not exempt from
52 the provisions of this chapter shall be liable civilly in the sum
53 of One Hundred Dollars (\$100.00), plus the court shall order the
54 payment of all reasonable expenses incurred by the person or
55 persons bringing the lawsuit, but not to exceed Ten Thousand
56 Dollars (\$10,000.00) in attorney's fees.

57 **SECTION 4.** This act shall take effect and be in force from
58 and after July 1, 2004.