

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2943

1 AN ACT TO AMEND SECTIONS 45-29-1 AND 45-29-3, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE APPLICATION OF THE OPEN RECORDS ACT TO
3 CERTAIN ARREST RECORDS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 45-29-1, Mississippi Code of 1972, is
6 amended as follows:

7 45-29-1. (1) Records in the possession of a public body, as
8 defined by paragraph (a) of Section 25-61-3, which are not
9 otherwise protected by law, that (i) are compiled in the process
10 of detecting and investigating any unlawful activity or alleged
11 unlawful activity, the disclosure of which would harm such
12 investigation; (ii) would reveal the identity of informants; (iii)
13 would prematurely release information that would impede the public
14 body's enforcement, investigative or detection efforts in such
15 proceedings; (iv) would disclose investigatory techniques; (v)
16 would deprive a person of a right to a fair trial or an impartial
17 adjudication; (vi) would endanger the life or safety of a public
18 official or law enforcement personnel; or (vii) are matters
19 pertaining to quality control or PEER review activities, shall be
20 exempt from the provisions of the Mississippi Public Records Act
21 of 1983.

22 (2) Nothing in this section shall be construed to prevent
23 any and all public bodies from having among themselves a free flow
24 of information for the purpose of achieving a coordinated and
25 effective detection and investigation of unlawful activity. Where
26 the confidentiality of records covered by this section is being
27 determined in a private hearing before a judge as provided for by

28 subsection (2) of Section 25-61-13, the public body may delete or
29 separate from such records the identity of confidential informants
30 or the identity of the person or persons under investigation.

31 (3) Notwithstanding the provisions of subsections (1) and
32 (2), the following information related to the arrest of an
33 individual shall not be exempt from the Public Records Act: the
34 name of the individual charged; the date of the offense or charge;
35 and the facts supporting the charge.

36 **SECTION 2.** Section 45-29-3, Mississippi Code of 1972, is
37 amended as follows:

38 45-29-3. The following records shall be exempt from the
39 provisions of the Mississippi Public Records Law of 1983:

40 (a) Records which are in the possession of a public
41 body, as defined by paragraph (a) of Section 25-61-3, that
42 performs as one of its principal functions activities pertaining
43 to the enforcement of criminal laws, the apprehension of criminal
44 offenders or the investigation of criminal offenders and/or
45 criminal activities, and which records consist of information
46 compiled for the purpose of a criminal investigation, including
47 reports of informants and investigators, and associated with an
48 identifiable individual; and

49 (b) Personal information of victims, including victim
50 impact statements and letters of support on behalf of victims that
51 are contained in records on file with the Mississippi Department
52 of Corrections and State Parole Board.

53 (c) Notwithstanding the provisions of paragraphs (a)
54 and (b), the following information related to the arrest of an
55 individual shall not be exempt from the Public Records Act: the
56 name of the individual charged; the date of the offense or charge;
57 and the facts supporting the charge.

58 **SECTION 3.** This act shall take effect and be in force from
59 and after July 1, 2004.