

By: Representative Smith (39th)

To: Judiciary B

HOUSE BILL NO. 1133

1 AN ACT TO CREATE SECTION 45-29-5, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT INITIAL REPORTS REGARDING CERTAIN CRIMINAL MATTERS  
3 SHALL BE A PUBLIC RECORD; TO AMEND SECTIONS 45-29-1 AND 45-29-3,  
4 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** The following shall be codified as Section  
7 45-29-5, Mississippi Code of 1972:

8 45-29-5. (1) Notwithstanding the exemptions contained in  
9 Section 45-29-1 and 45-29-3, the initial report of the officer or  
10 officers investigating a complaint, records of the booking of a  
11 person, records of the issuance of a summons or citation, and  
12 records of the filing of a bill of information shall be a public  
13 record.

14 (2) The initial report shall set forth:

15 (a) A narrative description of the alleged offense;

16 (b) The name and identification of each person charged  
17 with or arrested for the alleged offense;

18 (c) The name and date of the alleged offense;

19 (d) The location of the alleged offense;

20 (e) The property involved;

21 (f) The vehicles involved; and

22 (g) The names of investigating officers.

23 **SECTION 2.** Section 45-29-1, Mississippi Code of 1972, is  
24 amended as follows:

25 45-29-1. (1) Except as provided in Section 45-29-5, records  
26 in the possession of a public body, as defined by paragraph (a) of  
27 Section 25-61-3, which are not otherwise protected by law, that  
28 (i) are compiled in the process of detecting and investigating any

29 unlawful activity or alleged unlawful activity, the disclosure of  
30 which would harm such investigation; (ii) would reveal the  
31 identity of informants; (iii) would prematurely release  
32 information that would impede the public body's enforcement,  
33 investigative or detection efforts in such proceedings; (iv) would  
34 disclose investigatory techniques; (v) would deprive a person of a  
35 right to a fair trial or an impartial adjudication; (vi) would  
36 endanger the life or safety of a public official or law  
37 enforcement personnel; or (vii) are matters pertaining to quality  
38 control or PEER review activities, shall be exempt from the  
39 provisions of the Mississippi Public Records Act of 1983.

40 (2) Nothing in this section shall be construed to prevent  
41 any and all public bodies from having among themselves a free flow  
42 of information for the purpose of achieving a coordinated and  
43 effective detection and investigation of unlawful activity. Where  
44 the confidentiality of records covered by this section is being  
45 determined in a private hearing before a judge as provided for by  
46 subsection (2) of Section 25-61-13, the public body may delete or  
47 separate from such records the identity of confidential informants  
48 or the identity of the person or persons under investigation.

49 **SECTION 3.** Section 45-29-3, Mississippi Code of 1972, is  
50 amended as follows:

51 45-29-3. Except as provided in Section 45-29-5, the  
52 following records shall be exempt from the provisions of the  
53 Mississippi Public Records Law of 1983:

54 (a) Records which are in the possession of a public  
55 body, as defined by paragraph (a) of Section 25-61-3, that  
56 performs as one of its principal functions activities pertaining  
57 to the enforcement of criminal laws, the apprehension of criminal  
58 offenders or the investigation of criminal offenders and/or  
59 criminal activities, and which records consist of information  
60 compiled for the purpose of a criminal investigation, including

61 reports of informants and investigators, and associated with an  
62 identifiable individual; and

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

67 **SECTION 4.** This act shall take effect and be in force from  
68 and after July 1, 2005.