

By: Representative Smith (39th)

To: Judiciary B

HOUSE BILL NO. 1228

1 AN ACT TO PROVIDE FOR THE DEVELOPMENT OF A REPORTING FORM FOR
2 LAW ENFORCEMENT OFFICERS; TO AMEND SECTIONS 45-29-1 AND 45-29-3,
3 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

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

7 45-29-5. Notwithstanding the exemptions in Sections 45-29-1
8 and 45-29-3, the initial report of the law enforcement officer or
9 officers investigating a complaint shall identify information
10 using a standardized form developed by the Attorney General.

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

13 45-29-1. (1) Except as provided in Section 45-29-5, records
14 in the possession of a public body, as defined by paragraph (a) of
15 Section 25-61-3, which are not otherwise protected by law, that
16 (i) are compiled in the process of detecting and investigating any
17 unlawful activity or alleged unlawful activity, the disclosure of
18 which would harm such investigation; (ii) would reveal the
19 identity of informants; (iii) would prematurely release
20 information that would impede the public body's enforcement,
21 investigative or detection efforts in such proceedings; (iv) would
22 disclose investigatory techniques; (v) would deprive a person of a
23 right to a fair trial or an impartial adjudication; (vi) would
24 endanger the life or safety of a public official or law
25 enforcement personnel; or (vii) are matters pertaining to quality
26 control or PEER review activities, shall be exempt from the
27 provisions of the Mississippi Public Records Act of 1983.

28 (2) Nothing in this section shall be construed to prevent
29 any and all public bodies from having among themselves a free flow
30 of information for the purpose of achieving a coordinated and
31 effective detection and investigation of unlawful activity. Where
32 the confidentiality of records covered by this section is being
33 determined in a private hearing before a judge as provided for by
34 subsection (2) of Section 25-61-13, the public body may delete or
35 separate from such records the identity of confidential informants
36 or the identity of the person or persons under investigation.

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

39 45-29-3. Except as provided in Section 45-29-5, the
40 following records shall be exempt from the provisions of the
41 Mississippi Public Records Law of 1983:

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

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

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