

By: Representative Franks

To: Judiciary A

HOUSE BILL NO. 1546

1 AN ACT TO AMEND SECTION 81-5-55, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THE DISCLOSURE OF CERTAIN INFORMATION REGARDING THE ABUSE
3 OF VULNERABLE ADULTS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 81-5-55, Mississippi Code of 1972, is
6 amended as follows:

7 81-5-55. In no instance shall the name of any depositor, or
8 the amount of his deposit, be disclosed to anyone, except to
9 report to approved parties, such as credit bureaus, account
10 verification services and others, the forcible closure of a
11 deposit account due to misuse, such as fraud, kiting or chronic
12 bad check writing or when required to be done in legal
13 proceedings, for verification of public assistance in cases
14 wherein the depositor has applied for public assistance and the
15 Department of Human Services submits a written authorization
16 executed by the depositor authorizing the receipt of such
17 information, for verification of the financial exploitation of a
18 vulnerable adult in cases wherein the Attorney General submits a
19 written authorization, or in case of insolvency of banks. The
20 parties referred to herein must be approved by the Commissioner of
21 Banking and Consumer Finance and must satisfactorily demonstrate
22 their reliability and credibility of their activities. Disclosure
23 of depositor information to any affiliate or agent providing
24 services on behalf of the bank shall not be considered disclosure
25 of depositor information within the meaning of this section. The
26 term "affiliate" means a corporation or business entity that
27 controls, is controlled by or is under common control with the

28 bank. The term "agent" means anyone who has an agreement,
29 arrangement or understanding to transact business for the bank by
30 the authority and on account of the bank, provided such agreement
31 binds the agent to the same degree of confidentiality of
32 disclosure of bank records as the bank. Any violation of this
33 provision shall be considered a misdemeanor and, upon conviction
34 thereof, in any court of competent jurisdiction, such person shall
35 be punished by a fine of not more than One Thousand Dollars
36 (\$1,000.00) or imprisoned in the county jail not more than six (6)
37 months or both, and in addition thereto, shall be liable upon his
38 bond to any person damaged thereby.

39 This section shall not be construed to prohibit the
40 disclosure, to the State Treasurer, State Auditor, Legislative
41 Budget Office, Joint Legislative Committee on Performance
42 Evaluation and Expenditure Review or the Department of Finance and
43 Administration, of any information about any type of account or
44 investment, including certificates of deposit, owned by any public
45 entity of the State of Mississippi. In addition, this section
46 shall not be construed to prohibit, or to impose liability for,
47 the disclosure of information to the Department of Human Services,
48 the Child Support Unit of the Department of Human Services, or
49 their contractors or agents, pursuant to Chapter 19 of Title 43,
50 Mississippi Code of 1972. This section shall not be construed to
51 prohibit, or to impose liability for the disclosure of information
52 to the Attorney General's office investigating the financial abuse
53 of vulnerable adults pursuant to Chapter 47 of Title 43.

54 **SECTION 2.** This act shall take effect and be in force from
55 and after July 1, 2005.