

By: Representative Smith (39th)

To: Judiciary B;
Appropriations

HOUSE BILL NO. 711

1 AN ACT TO CREATE THE ANTI-TERRORISM ACT OF 2006; TO CREATE
2 THE CRIMINAL OFFENSES OF SOLICITING OR PROVIDING SUPPORT FOR AN
3 ACT OF TERRORISM, MAKING A TERRORISTIC THREAT, TERRORISM AND
4 HINDERING PROSECUTION OF TERRORISM; TO MAKE LEGISLATIVE FINDINGS;
5 TO DEFINE CERTAIN TERMS; TO PROVIDE PENALTIES FOR VIOLATIONS OF
6 THIS ACT; TO CREATE THE MISSISSIPPI OFFICE OF HOMELAND SECURITY
7 WITHIN THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY; TO PROVIDE FOR
8 THE ORGANIZATION OF THE OFFICE; TO PROVIDE THAT THE DIRECTOR AND
9 AGENTS OF THE OFFICE OF HOMELAND SECURITY SHALL BE LAW ENFORCEMENT
10 OFFICERS WITH POLICE POWERS; TO AMEND SECTION 47-7-3, MISSISSIPPI
11 CODE OF 1972, TO PROVIDE THAT PERSONS CONVICTED FOR VIOLATIONS OF
12 THIS ACT SHALL NOT BE ELIGIBLE FOR PAROLE; TO AMEND SECTIONS
13 97-3-61 AND 97-3-63, MISSISSIPPI CODE OF 1972, TO REVISE THE CRIME
14 OF POISONING; TO AMEND SECTIONS 97-37-21 AND 97-37-25, MISSISSIPPI
15 CODE OF 1972, TO REVISE PENALTIES RELATING TO THE USE OF
16 EXPLOSIVES AND WEAPONS OF MASS DESTRUCTION; TO AUTHORIZE COUNTIES
17 AND MUNICIPALITIES TO CONDUCT CRIMINAL HISTORY RECORD CHECKS; TO
18 CREATE THE CRIMINAL OFFENSE OF FAILURE TO SAFEGUARD TOXINS; TO
19 PROHIBIT USING BLUEPRINTS FOR TERRORISTIC PURPOSES AND PROVIDE
20 PENALTIES FOR VIOLATIONS; TO EXEMPT CERTAIN SECURITY RECORDS FROM
21 THE PUBLIC RECORDS LAWS; TO BRING FORWARD SECTION 45-1-2,
22 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND FOR
23 RELATED PURPOSES.

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

25 **SECTION 1.** This act shall be known and may be cited as the
26 Anti-Terrorism Act of 2006.

27 **SECTION 2.** The devastating consequences of the recent
28 barbaric attack on the World Trade Center and the Pentagon
29 underscore the compelling need for legislation that is
30 specifically designed to combat the evils of terrorism. Indeed,
31 the bombings of American embassies in Kenya and Tanzania in 1998,
32 the federal building in Oklahoma City in 1995, Pan Am Flight
33 number 103 in Lockerbie in 1988, the 1997 shooting atop the Empire
34 State Building, the 1994 murder of Ari Halberstam on the Brooklyn
35 Bridge and the 1993 bombing of the World Trade Center, will
36 forever serve to remind us that terrorism is a serious and deadly
37 problem that disrupts public order and threatens individual safety

38 both at home and around the world. Terrorism is inconsistent with
39 civilized society and cannot be tolerated.

40 Although certain federal laws seek to curb the incidence of
41 terrorism, there are no corresponding state laws that facilitate
42 the prosecution and punishment of terrorists in state courts.
43 Inexplicably, there is also no criminal penalty in this state for
44 a person who solicits or raises funds for, or provides other
45 material support or resources to, those who commit or encourage
46 the commission of horrific and cowardly acts of terrorism. Nor do
47 our criminal laws proscribe the making of terrorist threats or
48 punish with appropriate severity those who hinder the prosecution
49 of terrorists.

50 A comprehensive state law is urgently needed to complement
51 federal laws in the fight against terrorism and to better protect
52 all citizens against terrorist acts. Accordingly, the Legislature
53 finds that our laws must be strengthened to ensure that
54 terrorists, as well as those who solicit or provide financial and
55 other support to terrorists, are prosecuted and punished in state
56 courts with appropriate severity.

57 **SECTION 3.** The following words and phrases shall have the
58 meanings ascribed herein, unless the context clearly indicates
59 otherwise:

60 (a) "Act of terrorism" means an act or acts
61 constituting a specified offense as defined in paragraph (c) of
62 this section for which a person may be convicted in the criminal
63 courts of this state, or an act or acts constituting an offense in
64 any other jurisdiction within or outside the territorial
65 boundaries of the United States which contains all of the
66 essential elements of a specified offense, that is intended to:

67 (i) Intimidate or coerce a civilian population;
68 (ii) Influence the policy of a unit of government
69 by intimidation or coercion; or

70 (iii) Affect the conduct of a unit of government
71 by murder, assassination or kidnapping.

72 "Act of terrorism" also means activities that involve a
73 violent act or acts dangerous to human life that are in violation
74 of the criminal laws of the state and are intended to:

75 (i) Intimidate or coerce a civilian population;

76 (ii) Influence the policy of a unit of government
77 by intimidation or coercion; or

78 (iii) Affect the conduct of a unit of government
79 by murder, assassination or kidnapping.

80 (b) "Material support or resources" means currency or
81 other financial securities, financial services, lodging, training,
82 safehouses, false documentation or identification, communications
83 equipment, facilities, weapons, lethal substances, explosives,
84 personnel, transportation and other physical assets, except
85 medicine or religious materials.

86 (c) "Specified offense" for purposes of this act means
87 a felony offense, a violent felony offense, murder and
88 manslaughter, and includes an attempt or conspiracy to commit any
89 such offense.

90 (d) "Renders criminal assistance" means any person who,
91 with intent to prevent, hinder or delay the discovery or
92 apprehension of, or the lodging of a criminal charge against, a
93 person who he knows or believes has committed a crime or is being
94 sought by law enforcement officials for the commission of a crime,
95 or with intent to assist a person in profiting or benefiting from
96 the commission of a crime, he:

97 (i) Harbors or conceals such person; or

98 (ii) Warns such person of impending discovery or
99 apprehension; or

100 (iii) Provides such person with money,
101 transportation, weapon, disguise or other means of avoiding
102 discovery or apprehension; or

103 (iv) Prevents or obstructs, by means of force,
104 intimidation or deception, anyone from performing an act which
105 might aid in the discovery or apprehension of such person or in
106 the lodging of a criminal charge against him; or

107 (v) Suppresses, by any act of concealment,
108 alteration or destruction, any physical evidence which might aid
109 in the discovery or apprehension of such person or in the lodging
110 of a criminal charge against him; or

111 (vi) Aids such person to protect or expeditiously
112 profit from an advantage derived from such crime.

113 **SECTION 4.** A person commits soliciting or providing support
114 for an act of terrorism in the second degree when, with intent
115 that material support or resources will be used, in whole or in
116 part, to plan, prepare, carry out or aid in either an act of
117 terrorism or the concealment of, or an escape from, an act of
118 terrorism, he or she raises, solicits, collects or provides
119 material support or resources.

120 Soliciting or providing support for an act of terrorism in
121 the second degree is a felony punishable by not more than seven
122 (7) years imprisonment in the State Penitentiary.

123 **SECTION 5.** A person commits soliciting or providing support
124 for an act of terrorism in the first degree when he or she commits
125 the crime of soliciting or providing support for an act of
126 terrorism in the second degree and the total value of material
127 support or resources exceeds One Thousand Dollars (\$1,000.00).

128 Soliciting or providing support for an act of terrorism in
129 the first degree is a felony punishable by not more than fifteen
130 (15) years imprisonment in the State Penitentiary.

131 **SECTION 6.** (1) A person is guilty of making a terroristic
132 threat when with intent to intimidate or coerce a civilian
133 population, influence the policy of a unit of government by
134 intimidation or coercion, or affect the conduct of a unit of
135 government by intimidation or coercion, or affect the conduct of a

136 unit of government by murder, assassination or kidnapping, he or
137 she threatens to commit or cause to be committed a specified
138 offense and thereby causes a reasonable expectation or fear of the
139 imminent commission of such offense.

140 (2) It shall be no defense to a prosecution pursuant to this
141 section that the defendant did not have the intent or capability
142 of committing the specified offense or that the threat was not
143 made to a person who was a subject thereof.

144 Making a terroristic threat is a felony punishable by not
145 more than ten (10) years imprisonment in the State Penitentiary.

146 **SECTION 7.** (1) A person is guilty of a crime of terrorism
147 when, with intent to intimidate or coerce a civilian population,
148 influence the policy of a unit of government by intimidation or
149 coercion, or affect the conduct of a unit of government by murder,
150 assassination or kidnapping, he or she commits a specified
151 offense.

152 (2) When a person is convicted of a crime of terrorism
153 pursuant to this section, the crime of terrorism shall be deemed a
154 violent felony offense and if loss of life does not occur, such
155 person shall be punished by imprisonment in the State Penitentiary
156 for not more than twenty-five (25) years.

157 (3) Notwithstanding any other provision of law, when a
158 person is convicted of a crime of terrorism pursuant to this
159 section, and the specified offense results in the loss of life,
160 the sentence upon conviction of such offense shall be life
161 imprisonment without parole; provided, however, that nothing
162 herein shall preclude or prevent a sentence of death when the
163 specified offense is capital murder.

164 **SECTION 8.** A person is guilty of hindering prosecution of
165 terrorism in the second degree when he or she renders criminal
166 assistance to a person who has committed an act of terrorism,
167 knowing or believing that such person engaged in conduct
168 constituting an act of terrorism.

169 Hindering prosecution of terrorism in the second degree is a
170 felony punishable by not more than fifteen (15) years imprisonment
171 in the State Penitentiary.

172 **SECTION 9.** A person is guilty of hindering prosecution of
173 terrorism in the first degree when he or she renders criminal
174 assistance to a person who has committed an act of terrorism that
175 resulted in the death of a person other than one of the
176 participants, knowing or believing that such person engaged in
177 conduct constituting an act of terrorism.

178 Hindering prosecution of terrorism in the first degree is a
179 felony punishable by not more than twenty-five (25) years
180 imprisonment in the State Penitentiary.

181 **SECTION 10.** (1) There is created within the Mississippi
182 Department of Public Safety an office to be known as the
183 Mississippi Office of Homeland Security. The office shall have a
184 director who shall be appointed by the Commissioner of Public
185 Safety. The commissioner may assign to the appropriate offices of
186 the department such powers and duties deemed appropriate to carry
187 out the lawful functions of the Mississippi Office of Homeland
188 Security.

189 (2) The Commissioner of Public Safety is empowered to employ
190 or appoint necessary agents. The commissioner may also employ
191 such secretarial, clerical and administrative personnel, including
192 a duly licensed attorney, as necessary for the operation of the
193 office, and shall have such quarters, equipment and facilities as
194 needed. The salary and qualifications of the attorney authorized
195 by this section shall be fixed by the director, but the salary
196 shall not exceed the salary authorized for an assistant attorney
197 general who performs similar duties.

198 (3) The director and agents so appointed shall be citizens
199 of the United States and of the State of Mississippi, and of good
200 moral character. The agents shall be not less than twenty-one
201 (21) years of age at the time of such appointment. In addition

202 thereto, those appointed shall have satisfactorily completed at
203 least two (2) years of college studies. However, two (2) years of
204 satisfactory service as a law enforcement officer shall satisfy
205 one (1) year of such college studies, and four (4) years of
206 satisfactory service as a law enforcement officer shall fully
207 satisfy the two (2) years of college requirement. The director
208 and agents of the office shall be law enforcement officers, as
209 that term is defined in Section 45-6-3, and shall have police
210 powers and be subject to all requirements and educational and
211 training standards of the Board on Law Enforcement Officer
212 Standards and Training.

213 During the period of the first twelve (12) months after
214 appointment, any employee of the office shall be subject to
215 dismissal at the will of the director. After twelve (12) months'
216 service, no employee of the office shall be subject to dismissal
217 unless charges have been filed with the director, showing cause
218 for dismissal of the employee of the office. A date shall be set
219 for hearing before the director and the employee notified in
220 writing of the date of such hearing and of the charges filed. The
221 hearing shall be held not less than ten (10) days after
222 notification to the employee. After the hearing, at which the
223 employee shall be entitled to legal counsel, a written order of
224 the director shall be necessary for dismissal and the decision
225 shall be final. Any such order of the director shall be a public
226 record and subject to inspection as such.

227 (4) The Commissioner of Public Safety may assign members of
228 the Mississippi Highway Safety Patrol, regardless of age, to the
229 office; however, when any highway patrolman or other employee,
230 agent or official of the Mississippi Department of Public Safety
231 is assigned to duty with, or is employed by, the office, he shall
232 not be subject to assignment or transfer to any other office or
233 department within the Mississippi Department of Public Safety
234 except by the commissioner. Any highway patrolman assigned to

235 duty with the office shall retain his status as a highway
236 patrolman, but shall be under the supervision of the director.
237 For purposes of seniority within the Highway Safety Patrol and for
238 purposes of retirement under the Mississippi Highway Safety Patrol
239 Retirement System, highway patrolmen assigned to the office will
240 be credited as if performing duty with the Highway Safety Patrol.
241 The commissioner may assign employees of the Highway Safety Patrol
242 to the Mississippi Office of Homeland Security and may assign
243 agents of the office to the Highway Safety Patrol; however, any
244 employees so assigned must meet all established requirements for
245 the duties to which they are assigned.

246 (5) The Commissioner of Public Safety may enter into
247 agreements with departments of other states or of the United
248 States for the exchange or temporary assignment of agents for
249 assignments and for performance of specific duties.

250 (6) The Commissioner of Public Safety may assign agents of
251 the office to such duty and to request and accept agents from such
252 other departments for such duty.

253 **SECTION 11.** Section 47-7-3, Mississippi Code of 1972, is
254 amended as follows:

255 47-7-3. (1) Every prisoner who has been convicted of any
256 offense against the State of Mississippi, and is confined in the
257 execution of a judgment of such conviction in the Mississippi
258 Department of Corrections for a definite term or terms of one (1)
259 year or over, or for the term of his or her natural life, whose
260 record of conduct shows that such prisoner has observed the rules
261 of the department, and who has served not less than one-fourth
262 (1/4) of the total of such term or terms for which such prisoner
263 was sentenced, or, if sentenced to serve a term or terms of thirty
264 (30) years or more, or, if sentenced for the term of the natural
265 life of such prisoner, has served not less than ten (10) years of
266 such life sentence, may be released on parole as hereinafter
267 provided, except that:

268 (a) No prisoner convicted as a confirmed and habitual
269 criminal under the provisions of Sections 99-19-81 through
270 99-19-87 shall be eligible for parole;

271 (b) Any person who shall have been convicted of a sex
272 crime shall not be released on parole except for a person under
273 the age of nineteen (19) who has been convicted under Section
274 97-3-67;

275 (c) No one shall be eligible for parole until he shall
276 have served one (1) year of his sentence, unless such person has
277 accrued any meritorious earned time allowances, in which case he
278 shall be eligible for parole if he has served (i) nine (9) months
279 of his sentence or sentences, when his sentence or sentences is
280 two (2) years or less; (ii) ten (10) months of his sentence or
281 sentences when his sentence or sentences is more than two (2)
282 years but no more than five (5) years; and (iii) one (1) year of
283 his sentence or sentences when his sentence or sentences is more
284 than five (5) years;

285 (d) (i) No person shall be eligible for parole who
286 shall, on or after January 1, 1977, be convicted of robbery or
287 attempted robbery through the display of a firearm until he shall
288 have served ten (10) years if sentenced to a term or terms of more
289 than ten (10) years or if sentenced for the term of the natural
290 life of such person. If such person is sentenced to a term or
291 terms of ten (10) years or less, then such person shall not be
292 eligible for parole. The provisions of this paragraph (d) shall
293 also apply to any person who shall commit robbery or attempted
294 robbery on or after July 1, 1982, through the display of a deadly
295 weapon. This subparagraph (d)(i) shall not apply to persons
296 convicted after September 30, 1994;

297 (ii) No person shall be eligible for parole who
298 shall, on or after October 1, 1994, be convicted of robbery,
299 attempted robbery or carjacking as provided in Section 97-3-115 et
300 seq., through the display of a firearm or drive-by shooting as

301 provided in Section 97-3-109. The provisions of this subparagraph
302 (d)(ii) shall also apply to any person who shall commit robbery,
303 attempted robbery, carjacking or a drive-by shooting on or after
304 October 1, 1994, through the display of a deadly weapon;

305 (e) No person shall be eligible for parole who, on or
306 after July 1, 1994, is charged, tried, convicted and sentenced to
307 life imprisonment without eligibility for parole under the
308 provisions of Section 99-19-101;

309 (f) No person shall be eligible for parole who is
310 charged, tried, convicted and sentenced to life imprisonment under
311 the provisions of Section 99-19-101;

312 (g) No person shall be eligible for parole who is
313 convicted or whose suspended sentence is revoked after June 30,
314 1995, except that a first offender convicted of a nonviolent crime
315 after January 1, 2000, may be eligible for parole if the offender
316 meets the requirements in subsection (1) and this paragraph. In
317 addition to other requirements, if a first offender is convicted
318 of a drug or driving under the influence felony, the offender must
319 complete a drug and alcohol rehabilitation program prior to parole
320 or the offender may be required to complete a post-release drug
321 and alcohol program as a condition of parole. For purposes of
322 this paragraph, "nonviolent crime" means a felony other than
323 homicide, robbery, manslaughter, sex crimes, arson, burglary of an
324 occupied dwelling, aggravated assault, kidnapping, felonious abuse
325 of vulnerable adults, felonies with enhanced penalties, the sale
326 or manufacture of a controlled substance under the Uniform
327 Controlled Substances Law, felony child abuse, or any crime under
328 Section 97-5-33 or Section 97-5-39(2) or a violation of Section
329 63-11-30(5) resulting in death, or serious bodily injury resulting
330 in the loss of a limb or dismemberment, loss of eyesight, a coma,
331 permanent dysfunction of any vital organ, paralysis or resulting
332 in an individual's permanent bedridden state. For purposes of
333 this paragraph, "first offender" means a person who at the time of

334 sentencing has not been convicted of a felony on a previous
335 occasion in any court or courts of the United States or in any
336 state or territory thereof. In addition, a first time offender
337 incarcerated for committing the crime of possession of a
338 controlled substance under the Uniform Controlled Substances Law
339 after July 1, 1995, shall be eligible for parole as provided for
340 such offenders in this paragraph after July 1, 2000;

341 (h) No person shall be eligible for parole who is
342 convicted of a crime which is an act of terrorism as provided in
343 Sections 1 through 9 of House Bill No. 711, 2006 Regular Session.

344 (2) Notwithstanding any other provision of law, an inmate
345 shall not be eligible to receive earned time, good time or any
346 other administrative reduction of time which shall reduce the time
347 necessary to be served for parole eligibility as provided in
348 subsection (1) of this section; however, this subsection shall not
349 apply to the advancement of parole eligibility dates pursuant to
350 the Prison Overcrowding Emergency Powers Act. Moreover,
351 meritorious earned time allowances may be used to reduce the time
352 necessary to be served for parole eligibility as provided in
353 paragraph (c) of subsection (1) of this section.

354 (3) (a) The State Parole Board shall by rules and
355 regulations establish a method of determining a tentative parole
356 hearing date for each eligible offender taken into the custody of
357 the Department of Corrections. The tentative parole hearing date
358 shall be determined within ninety (90) days after the department
359 has assumed custody of the offender. Such tentative parole
360 hearing date shall be calculated by a formula taking into account
361 the offender's age upon first commitment, number of prior
362 incarcerations, prior probation or parole failures, the severity
363 and the violence of the offense committed, employment history and
364 other criteria which in the opinion of the board tend to validly
365 and reliably predict the length of incarceration necessary before
366 the offender can be successfully paroled.

367 (b) [Repealed].

368 (4) Any inmate within twenty-four (24) months of his parole
369 eligibility date and who meets the criteria established by the
370 classification board shall receive priority for placement in any
371 educational development and job training programs. Any inmate
372 refusing to participate in an educational development or job
373 training program may be ineligible for parole.

374 **SECTION 12.** Section 97-3-61, Mississippi Code of 1972, is
375 amended as follows:

376 97-3-61. Every person who shall mingle any poison,
377 bacterium, radioactive material, virus or chemical compound with
378 any food, drink, or medicine with intent to kill or injure any
379 human being, or who shall willfully poison or introduce, add or
380 mingle any bacterium, radioactive material, virus or chemical
381 compound into any well, spring, or reservoir of water, shall be
382 guilty of a felony and, upon conviction, be punished by
383 imprisonment in the Penitentiary not exceeding twenty (20)
384 years, * * * or by fine not exceeding Ten Thousand Dollars
385 (\$10,000.00), or both.

386 **SECTION 13.** Section 97-3-63, Mississippi Code of 1972, is
387 amended as follows:

388 97-3-63. Every person who shall be convicted of having
389 administered, or having caused or procured to be administered, any
390 poison, bacterium, radioactive material, virus or chemical
391 compound to any human being with intent to kill such human being,
392 whereof death shall not ensue, shall be punished by imprisonment
393 in the Penitentiary for a term not less than ten (10) years.

394 **SECTION 14.** Section 97-37-21, Mississippi Code of 1972, is
395 amended as follows:

396 97-37-21. It shall be unlawful for any person to report to
397 another by any means, including telephone, mail, e-mail, mobile
398 phone, fax or any means of communication, that a bomb or other
399 explosive or chemical, biological or other weapons of mass

400 destruction, including any hoax bomb, has been, or is to be,
401 placed or secreted in any public or private place, knowing that
402 such report is false. Any person who shall be convicted of a
403 violation of this section shall be fined not more than Twenty
404 Thousand Dollars (\$20,000.00) or shall be committed to the custody
405 of the Department of Corrections for not more than twenty (20)
406 years, or both.

407 **SECTION 15.** Section 97-37-25, Mississippi Code of 1972, is
408 amended as follows:

409 97-37-25. It shall be unlawful for any person at any time to
410 bomb, or to plant or place any bomb, or other explosive matter or
411 chemical, biological or other weapons of mass destruction or thing
412 or hoax bomb in, upon or near any building, residence, ship,
413 vessel, boat, railroad station, railroad car or coach, bus
414 station, or depot, bus, truck, aircraft, or other vehicle, gas and
415 oil stations and pipelines, radio station or radio equipment or
416 other means of communication, warehouse or any electric plant or
417 water plant, telephone exchange or any of the lines belonging
418 thereto, wherein a person or persons are located or being
419 transported, or where there is being manufactured, stored,
420 assembled or shipped or in the preparation of shipment any goods,
421 wares, merchandise or anything of value, with the felonious intent
422 to hurt or harm any person or property, and upon conviction
423 thereof shall be imprisoned for life in the State Penitentiary if
424 the penalty is so fixed by the jury; and in cases where the jury
425 fails to fix the penalty at imprisonment for life in the State
426 Penitentiary the court shall fix the penalty at imprisonment in
427 the State Penitentiary for any term as the court, in its
428 discretion, may determine, but not to be less than ten (10) years.

429 **SECTION 16.** (1) For the purpose of Sections 97-37-21,
430 97-37-25 and this section "hoax bomb" means any device or object
431 that by its design, construction, content or characteristics
432 appears to be, or to contain, or is represented to be or to

433 contain, a destructive device or explosive, but is, in fact, an
434 inoperative facsimile or imitation of such a destructive device or
435 explosive, or contains no destructive device or explosive as was
436 represented.

437 (2) This act does not apply to any law enforcement officer,
438 fire fighter, person or member of the Armed Forces of the United
439 States while engaged in training or other lawful activity within
440 the scope of his or her employment, or to any person properly
441 authorized to test a security system, or to any security
442 personnel, while operating within the scope of their employment
443 including, but not limited to, security personnel in airports and
444 other controlled access areas.

445 (3) In addition to any other penalty provided by law with
446 respect to any person who is convicted of a violation of this act
447 that resulted in the mobilization or action of any law enforcement
448 officer or any state or local agency, a person convicted of a
449 violation of this section may be required by the court to pay
450 restitution for all of the costs and damages arising from the
451 criminal conduct.

452 **SECTION 17.** A county or municipality may require, by
453 ordinance, employment screening for any position of employment or
454 appointment which the governing body finds is critical to security
455 or public safety, or for any private contractor, employee of a
456 private contractor, vendor, repair person, or delivery person who
457 has access to any public facility or publicly operated facility
458 that the governing body finds is critical to security or public
459 safety. The ordinance must require each person applying for, or
460 continuing employment in, any such position or having access to
461 any such facility to be fingerprinted. The fingerprints shall be
462 submitted to the Department of Public Safety for a state criminal
463 history record check and to the Federal Bureau of Investigation
464 for a national criminal history record check. The information
465 obtained from the criminal history record checks conducted

466 pursuant to the ordinance may be used by the county or
467 municipality to determine an applicant's eligibility for
468 employment or appointment and to determine an employee's
469 eligibility for continued employment. This section is not
470 intended to preempt or prevent any other background screening
471 including, but not limited to, criminal history record checks,
472 which a county or municipality may lawfully undertake.

473 **SECTION 18.** Any manufacturer, distributor, transferor,
474 possessor or user of any toxic chemical, biological agent, toxin
475 or vector, or radioactive material that is related to a lawful
476 industrial, agricultural, research, medical, pharmaceutical or
477 other activity, who recklessly allows an unauthorized individual
478 to obtain access to the toxic chemical or biological agent, toxin
479 or vector or radioactive material, commits a felony and,
480 notwithstanding any other provision of law, shall be subject to a
481 fine of up to Two Hundred Fifty Thousand Dollars (\$250,000.00) for
482 each violation.

483 **SECTION 19.** (1) A person shall not obtain or possess a
484 blueprint, an architectural or engineering diagram, security plan,
485 or other similar information of a vulnerable target, with the
486 intent to commit an offense prohibited under this act.

487 (2) A person who violates this section is guilty of a felony
488 punishable by imprisonment for not more than twenty (20) years or
489 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or
490 both.

491 **SECTION 20.** Records or information of measures designed to
492 protect the security or safety of persons or property, whether
493 public or private including, but not limited to, building, public
494 works, and public water supply designs to the extent that those
495 designs relate to the ongoing security measures of a public body,
496 capabilities and plans for responding to a violation of this act,
497 emergency response plans, risk planning documents, threat

498 assessments and domestic preparedness strategies are exempt from
499 the provisions of Section 25-61-1 et seq.

500 **SECTION 21.** Section 45-1-2, Mississippi Code of 1972, is
501 brought forward as follows:

502 45-1-2. (1) The Executive Director of the Department of
503 Public Safety shall be the Commissioner of Public Safety.

504 (2) The Commissioner of Public Safety shall establish the
505 organizational structure of the Department of Public Safety, which
506 shall include the creation of any units necessary to implement the
507 duties assigned to the department and consistent with specific
508 requirements of law including, but not limited to:

509 (a) Office of Public Safety Planning;

510 (b) Office of Medical Examiner;

511 (c) Office of Mississippi Highway Safety Patrol;

512 (d) Office of Crime Laboratories;

513 (e) Office of Law Enforcement Officers' Training
514 Academy;

515 (f) Office of Support Services;

516 (g) Office of Narcotics, which shall be known as the
517 Bureau of Narcotics; and

518 (h) Office of Homeland Security.

519 (3) The department shall be headed by a commissioner, who
520 shall be appointed by and serve at the pleasure of the Governor.
521 The appointment of the commissioner shall be made with the advice
522 and consent of the Senate. The commissioner may assign to the
523 appropriate offices such powers and duties as deemed appropriate
524 to carry out the department's lawful functions.

525 (4) The commissioner of the department shall appoint heads
526 of offices, who shall serve at the pleasure of the commissioner.
527 The commissioner shall have the authority to organize the offices
528 established by subsection (2) of this section as deemed
529 appropriate to carry out the responsibilities of the department.
530 The organization charts of the department shall be presented

531 annually with the budget request of the Governor for review by the
532 Legislature.

533 (5) The commissioner of the department shall appoint, from
534 within the Department of Public Safety, a statewide safety
535 training officer who shall serve at the pleasure of the
536 commissioner and whose duty it shall be to perform public training
537 for both law enforcement and private persons throughout the state
538 concerning proper emergency response to the mentally ill,
539 terroristic threats or acts, domestic conflict, other conflict
540 resolution, and such other matters as the commissioner may direct.

541 **SECTION 22.** This act shall take effect and be in force from
542 and after July 1, 2006.