

By: Representative Compretta

To: Judiciary A

HOUSE BILL NO. 1306

1 AN ACT TO AMEND SECTION 45-27-12, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DISSEMINATION OF CERTAIN CRIMINAL HISTORY RECORD
3 INFORMATION FOR NONCRIMINAL JUSTICE PURPOSES; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 45-27-12, Mississippi Code of 1972, is
7 amended as follows:

8 45-27-12. (1) State conviction information and arrest
9 information * * * which is contained in the center's database or
10 the nonexistence of such information in the center's database
11 shall be made available for the following noncriminal justice
12 purposes:

13 (a) To any local, state or federal governmental agency
14 that requests the information for the enforcement of a local,
15 state or federal law;

16 (b) To any individual, nongovernmental entity or any
17 employer authorized either by the subject of record in writing or
18 by state or federal law to receive such information; and

19 (c) To any federal agency or central repository in
20 another state requesting the information for purposes authorized
21 by law.

22 (2) Information disseminated for noncriminal justice
23 purposes as specified in this section shall be used only for the
24 purpose for which it was made available and may not be
25 re-disseminated.

26 (3) No agency or individual shall confirm the existence or
27 nonexistence of criminal history record information to any person

28 or organization that would not be eligible to receive the
29 information pursuant to this section. * * *

30 (4) Upon request for a check pursuant to this section, the
31 nongovernmental entity or employer must provide proper
32 identification and authorization information from the subject of
33 the record to be checked and adhere to policies established by the
34 center for such record checks.

35 (5) Any individual or his attorney who is the subject of the
36 record to be checked, upon positive verification of the
37 individual's identity, may request to review the disseminated
38 information and shall follow the procedure set forth in Section
39 45-27-11. If the individual wishes to correct the record as it
40 appears in the center's system, the person shall follow the
41 procedure set forth in Section 45-27-11. The right of a person to
42 review the person's criminal history record information shall not
43 be used by a prospective employer or others as a means to
44 circumvent procedures or fees for accessing records for
45 noncriminal justice purposes.

46 (6) The center may impose procedures, including the
47 submission of fingerprints, fees or restrictions, as are
48 reasonably necessary to assure the record's security, to verify
49 the identities of those who seek to inspect them, and to maintain
50 an orderly and efficient mechanism for access. All fees shall be
51 assessed and deposited in accordance with the provisions of
52 Section 45-27-8.

53 (7) Local agencies may release their own agency records
54 according to their own policies.

55 (8) Release of the above-described information for
56 noncriminal justice purposes shall be made only by the center,
57 under the limitations of this section, and such compiled records
58 will not be released or disclosed for noncriminal justice purposes
59 by other agencies in the state.

60 **SECTION 2.** This act shall take effect and be in force from
61 and after July 1, 2006.