

By: Representatives Mayhall, Akins, Chism,
Denny, Fleming, Gregory, Jennings, Markham,
Rotenberry, Snowden, Woods, Hamilton (6th)

To: Corrections;
Appropriations

HOUSE BILL NO. 1414

1 AN ACT TO CREATE SECTION 99-43-51, MISSISSIPPI CODE OF 1972,
2 WHICH CREATES A STATEWIDE AUTOMATIC VICTIM NOTIFICATION SYSTEM
3 WITHIN THE MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS, TO REQUIRE
4 REPORTS TO THE SYSTEM, TO AUTHORIZE THE ACCEPTANCE OF FUNDS FOR
5 STARTUP; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** The following shall be codified as Section
8 99-43-51, Mississippi Code of 1972:

9 99-43-51. (1) There shall be established within the
10 Mississippi Department of Corrections, hereinafter the department,
11 an automated victim notification system that automatically
12 provides crime victims with notice by telephone when there is a
13 change in the status of their offenders. The system must allow a
14 crime victim to initiate telephone calls to the system to receive
15 the latest status report for his or her offender. An automated
16 victim notification system established under this section
17 satisfies the duty of a state agency to notify a crime victim of
18 the change in status of an offender. The failure of the system to
19 provide notice to a crime victim does not establish a separate
20 cause of action by the crime victim against the state, an agency
21 of the state or a municipality, or the officers, employees or
22 contractors of the state, agency of the state or municipality.

23 (2) Each department and each municipality shall cooperate
24 with the department in establishing and maintaining an automated
25 victim notification system required under this section that
26 automatically notifies a registered crime victim when a committed
27 offender:

28 (a) Is transferred or assigned to another facility
29 within the department or to a facility outside of the department's
30 operation;

31 (b) Is given a different security classification;

32 (c) Is released on temporary leave or otherwise;

33 (d) Is discharged; or

34 (e) Has escaped.

35 (3) All law enforcement agencies, correctional agencies and
36 institutions, district attorneys and municipal prosecutors, courts
37 having jurisdiction over criminal matters or any other public
38 agency dealing with crimes or criminals, when requested by the
39 department, shall:

40 (a) Install and maintain records needed for the system
41 to accurately ensure a timely notification is provided to a victim
42 of an offender's change in status. However, the failure of the
43 automated victim notification system to a crime victim does not
44 establish a separate cause of action by the crime victim against
45 the state, an agency of the state or a municipality, or the
46 officers, employees or contractors of the state, agency of the
47 state or municipality;

48 (b) Report to the department any information requested
49 or required; and

50 (c) Upon the request of the department, provide any
51 other such assistance, information and data which are reasonable
52 and available that will enable the department to properly carry
53 out its powers and duties.

54 (4) Nothing contained within this section shall supercede
55 current notice requirements provided by the "Mississippi Crime
56 Victims' Bill of Rights," contained in Sections 99-43-1 through
57 99-43-49 and Section 47-7-17.

58 **SECTION 2.** The commissioner of the department shall assess
59 and report to the Legislature the costs and benefits associated
60 with the development, implementation and maintenance of a

61 statewide automated victim notification system. In developing,
62 implementing and maintaining the system, the commissioner of the
63 department is authorized to accept funds from the Bureau of
64 Justice Assistance for startup costs. Any federal funds received
65 from the Bureau of Justice Assistance require a fifty percent
66 (50%) match of state, local or private funds. The commissioner of
67 the department is also authorized to accept any funds made
68 available and donated to the department by any state, local or
69 private source for the exclusive purpose of developing,
70 implementing and maintaining a statewide automated victim
71 notification system.

72 **SECTION 3.** This act shall take effect and be in force from
73 and after July 1, 2006.