

By: Representative Gunn

To: Judiciary A

HOUSE BILL NO. 374

1 AN ACT TO CREATE THE CRIMINAL JUSTICE INFORMATION SYSTEM FUND
2 AND TO PROVIDE FOR ITS ADMINISTRATION; TO PROVIDE LOCAL
3 ASSESSMENTS ON MISDEMEANOR OFFENSES WHICH SHALL BE DEPOSITED INTO
4 THE FUND; TO AMEND SECTIONS 45-27-7 AND 45-27-8, MISSISSIPPI CODE
5 OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** There is established in the State Treasury the
8 Criminal Justice Information System Fund. The purpose of the fund
9 shall be to provide supplemental funding for the Criminal Justice
10 Information System for the criminal justice system. In addition
11 to any other monetary penalties and other penalties imposed by
12 law, each county or municipality shall assess a surcharge in an
13 amount that is a minimum of Five Dollars (\$5.00), but not to
14 exceed Ten Dollars (\$10.00), on each person upon whom a county,
15 justice or municipal court imposes a fine or other penalty for any
16 misdemeanor offense, including vehicular parking and registration.
17 The proceeds from the surcharge shall be deposited in the fund and
18 shall be used to assist in funding the Criminal Justice
19 Information System. The fund is authorized to accept funds from
20 any legal source and from the federal government. Interest earned
21 on the special fund shall remain in the fund and the fund shall
22 not be subject to any fiscal year limitations. The Criminal
23 Information Center Special Fund shall be closed and any monies
24 remaining in such fund shall be deposited into the Criminal
25 Justice Information System Fund.

26 **SECTION 2.** Section 45-27-7, Mississippi Code of 1972, is
27 amended as follows:

28 45-27-7. (1) The Mississippi Justice Information Center
29 shall:

30 (a) Develop, operate and maintain an information system
31 which will support the collection, storage, retrieval and
32 dissemination of all data described in this chapter, consistent
33 with those principles of scope, security and responsiveness
34 prescribed by this chapter.

35 (b) Cooperate with all criminal justice agencies within
36 the state in providing those forms, procedures, standards and
37 related training assistance necessary for the uniform operation of
38 the statewide center.

39 (c) Offer assistance and, when practicable, instruction
40 to all local law enforcement agencies in establishing efficient
41 local records systems.

42 (d) Make available, upon request, to all local and
43 state criminal justice agencies, to all federal criminal justice
44 agencies and to criminal justice agencies in other states any
45 information in the files of the center which will aid such
46 agencies in the performance of their official duties. For this
47 purpose the center shall operate on a twenty-four-hour basis,
48 seven (7) days a week. Such information, when authorized by the
49 director of the center, may also be made available to any other
50 agency of this state or any political subdivision thereof and to
51 any federal agency, upon assurance by the agency concerned that
52 the information is to be used for official purposes only in the
53 prevention or detection of crime or the apprehension of criminal
54 offenders.

55 (e) Cooperate with other agencies of this state, the
56 crime information agencies of other states, and the national crime
57 information center systems of the Federal Bureau of Investigation
58 in developing and conducting an interstate, national and
59 international system of criminal identification and records.

60 (f) Make available, upon request, to nongovernmental
61 entities or employers certain information for noncriminal justice
62 purposes as specified in Section 45-27-12.

63 (g) Institute necessary measures in the design,
64 implementation and continued operation of the justice information
65 system to ensure the privacy and security of the system. Such
66 measures shall include establishing complete control over use of
67 and access to the system and restricting its integral resources
68 and facilities and those either possessed or procured and
69 controlled by criminal justice agencies. Such security measures
70 must meet standards developed by the center as well as those set
71 by the nationally operated systems for interstate sharing of
72 information.

73 (h) Provide data processing for files listing motor
74 vehicle drivers' license numbers, motor vehicle registration
75 numbers, wanted and stolen motor vehicles, outstanding warrants,
76 identifiable stolen property and such other files as may be of
77 general assistance to law enforcement agencies; provided, however,
78 that the purchase, lease, rental or acquisition in any manner of
79 "computer equipment or services," as defined in Section 25-53-3,
80 Mississippi Code of 1972, shall be subject to the approval of the
81 Mississippi Information Technology Services.

82 (i) Maintain a field coordination and support unit
83 which shall have all the power conferred by law upon any peace
84 officer of this state.

85 (j) Administer the Criminal Justice Information System
86 Fund created in Section 1 of this act.

87 (2) The department, including the investigative division or
88 the center, may:

89 (a) Obtain and store fingerprints, descriptions,
90 photographs and any other pertinent identifying data from crime
91 scenes and on persons who:

92 (i) Have been or are hereafter arrested or taken
93 into custody in this state:

94 1. For an offense which is a felony;

95 2. For an offense which is a misdemeanor;

96 3. As a fugitive from justice; or

97 (ii) Are or become habitual offenders; or

98 (iii) Are currently or become confined to any
99 prison, penitentiary or other penal institution; or

100 (iv) Are unidentified human corpses found in the
101 state; or

102 (v) Have submitted fingerprints for conducting
103 criminal history record checks.

104 (b) Compare all fingerprint and other identifying data
105 received with that already on file and determine whether or not a
106 criminal record is found for such person, and at once inform the
107 requesting agency or arresting officer of those facts that may be
108 disseminated consistent with applicable security and privacy laws
109 and regulations. A record shall be maintained for a minimum of
110 one (1) year of the dissemination of each individual criminal
111 history, including at least the date and recipient of such
112 information.

113 (c) Establish procedures to respond to those
114 individuals who file requests to review their own records,
115 pursuant to Sections 45-27-11 and 45-27-12, and to cooperate in
116 the correction of the central center records and those of
117 contributing agencies when their accuracy has been successfully
118 challenged either through the related contributing agencies or by
119 court order issued on behalf of an individual.

120 (d) Retain in the system the fingerprints of all law
121 enforcement officers and part-time law enforcement officers, as
122 those terms are defined in Section 45-6-3, and of all applicants
123 to law enforcement agencies.

124 **SECTION 3.** Section 45-27-8, Mississippi Code of 1972, is
125 amended as follows:

126 45-27-8. The center, by direction of the Commissioner of the
127 Department of Public Safety, shall establish and collect fees
128 reasonably calculated to reimburse the center for the actual cost
129 of searching, reviewing, duplicating and mailing records or
130 information of any kind maintained by the center and authorized
131 for release by this chapter.

132 No records shall be furnished by the center which are
133 classified as confidential by law.

134 All fees collected by the center pursuant to this chapter
135 shall be deposited into the Criminal Justice Information System
136 Fund in the State Treasury. Monies deposited in such fund shall
137 be expended by the center, as authorized and appropriated by the
138 Legislature, to defray the expenses of the center. Any revenue in
139 the fund which is not encumbered at the end of the fiscal year
140 shall not lapse to the State General Fund but shall remain in the
141 special fund.

142 **SECTION 4.** This act shall take effect and be in force from
143 and after July 1, 2007.