

By: Representative Smith (39th)

To: Judiciary B

HOUSE BILL NO. 663

1 AN ACT TO AMEND SECTIONS 45-27-1 AND 45-27-7, MISSISSIPPI  
2 CODE OF 1972, TO CLARIFY WHICH DOCUMENTS SUBMITTED TO THE JUSTICE  
3 INFORMATION CENTER MAY BE CONSIDERED AS ORIGINALS; TO FACILITATE  
4 THE PRACTICAL USE OF SUCH DOCUMENTS; AND FOR RELATED PURPOSES.

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

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

8 45-27-1. The Legislature finds and declares that a more  
9 effective administrative structure now is required to control the  
10 collection, storage, dissemination and use of criminal offender  
11 record information. These improvements in the organization and  
12 control of criminal offender record-keeping are imperative both to  
13 strengthen the administration of criminal justice and to assure  
14 appropriate protection of rights of individual privacy. The  
15 purposes of this chapter are (a) to control and coordinate  
16 criminal offender record-keeping within this state; (b) to assure  
17 periodic reporting to the Governor and Legislature concerning such  
18 record-keeping; \* \* \* (c) to establish a more effective  
19 administrative structure for the collection, maintenance,  
20 retrieval and dissemination of criminal history record information  
21 described in this chapter, consistent with those principles of  
22 scope and security prescribed by this chapter and (d) to  
23 facilitate the practical use of criminal offender record  
24 information by and within the criminal justice system of this  
25 state.

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

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

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

92 1. For an offense which is a felony;

93                   2. For an offense which is a misdemeanor;

94                   3. As a fugitive from justice; or

95                   (ii) Are or become habitual offenders; or

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

98                   (iv) Are unidentified human corpses found in the  
99 state; or

100                   (v) Have submitted fingerprints for conducting  
101 criminal history record checks.

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

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

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

122                   (3) Any document submitted to the center in accordance with  
123 the provisions of Section 45-27-9 which is processed as set forth  
124 in this chapter and subsequently provided to a law enforcement  
125 agency of this state or any of its subdivisions, or to any court

126 of this state, by the center shall be presumed to be the original  
127 of the document it purports to be, without further authentication,  
128 unless the person aggrieved thereby has successfully challenged  
129 such document under the provisions of Section 45-27-11.

130       **SECTION 3.** This act shall take effect and be in force from  
131 and after July 1, 2007.