

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.