

By: Representative Holland

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 792

1 AN ACT TO AMEND SECTION 45-29-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR THE RELEASE OF EXEMPT RECORDS WHEN THE REASON FOR
3 NONDISCLOSURE NO LONGER EXISTS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 45-29-1, Mississippi Code of 1972, is
6 amended as follows:

7 45-29-1. (1) Records in the possession of a public body, as
8 defined by paragraph (a) of Section 25-61-3, which are not
9 otherwise protected by law, that (i) are compiled in the process
10 of detecting and investigating any unlawful activity or alleged
11 unlawful activity, the disclosure of which would harm such
12 investigation; (ii) would reveal the identity of informants; (iii)
13 would prematurely release information that would impede the public
14 body's enforcement, investigative or detection efforts in such
15 proceedings; (iv) would disclose investigatory techniques; (v)
16 would deprive a person of a right to a fair trial or an impartial
17 adjudication; (vi) would endanger the life or safety of a public
18 official or law enforcement personnel; or (vii) are matters
19 pertaining to quality control or PEER review activities, shall be
20 exempt from the provisions of the Mississippi Public Records Act
21 of 1983.

22 (2) Nothing in this section shall be construed to prevent
23 any and all public bodies from having among themselves a free flow
24 of information for the purpose of achieving a coordinated and
25 effective detection and investigation of unlawful activity. Where
26 the confidentiality of records covered by this section is being
27 determined in a private hearing before a judge as provided for by

28 subsection (2) of Section 25-61-13, the public body may delete or
29 separate from such records the identity of confidential informants
30 or the identity of the person or persons under investigation.

31 (3) Records involving felonies exempt from the Mississippi
32 Public Records Act of 1983 including incident reports of law
33 enforcement may be released for public access upon written request
34 if the reason for the nondisclosure of such information no longer
35 exists.

36 **SECTION 2.** This act shall take effect and be in force from
37 and after July 1, 2007.