

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2512

1 AN ACT TO AMEND SECTIONS 45-27-1 AND 45-27-7, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE FOR ADMISSIBILITY OF CERTIFIED COPIES OF  
3 DOCUMENTS AUTHENTICATED BY THE MISSISSIPPI JUSTICE INFORMATION  
4 CENTER; 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; and (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 to facilitate  
23 the practical use of criminal offender record information within  
24 the criminal justice system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 91 1. For an offense which is a felony;
- 92 2. For an offense which is a misdemeanor;
- 93 3. As a fugitive from justice; or

94 (ii) Are or become habitual offenders; or

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

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

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

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

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

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

121 (3) There shall be a presumption that a certified copy of  
122 any document submitted to the center in accordance with the  
123 provisions of Section 45-27-9 that has been processed as set forth  
124 in this chapter and subsequently provided by the center to a law  
125 enforcement agency or a court shall be admissible in any  
126 proceeding without further authentication unless a person

127 objecting to that admissibility challenges the document under the  
128 provisions of Section 45-27-11.

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