

By: Senator(s) Albritton

To: Judiciary, Division B

COMMITTEE SUBSTITUTE  
FOR  
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; TO AMEND SECTION 45-27-9, MISSISSIPPI CODE OF 1972, TO  
5 REQUIRE DATA SHARING BY ALL PUBLIC AGENCIES AT ALL LEVELS OF  
6 GOVERNMENT THAT PERFORM ACTIVITIES RELATING TO THE APPREHENSION,  
7 PROSECUTION, ADJUDICATION OR REHABILITATION OF CRIMINAL OFFENDERS;  
8 AND FOR RELATED PURPOSES.

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

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

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

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

31           45-27-7. (1) The Mississippi Justice Information Center  
32 shall:

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

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

42           (c) Offer assistance and, when practicable, instruction  
43 to all local law enforcement agencies in establishing efficient  
44 local records systems.

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

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

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

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

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

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

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

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

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

95 1. For an offense which is a felony;

96                   2. For an offense which is a misdemeanor;

97                   3. As a fugitive from justice; or

98                   (ii) Are or become habitual offenders; or

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

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

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

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

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

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

125                   (3) There shall be a presumption that a certified copy of  
126 any document submitted to the center in accordance with the  
127 provisions of Section 45-27-9 that has been processed as set forth  
128 in this chapter and subsequently provided by the center to a law

129 enforcement agency or a court shall be admissible in any  
130 proceeding without further authentication unless a person  
131 objecting to that admissibility challenges the document under the  
132 provisions of Section 45-27-11.

133       **SECTION 3.** Section 45-27-9, Mississippi Code of 1972, is  
134 amended as follows:

135       45-27-9. (1) All criminal justice agencies within the state  
136 shall submit to the center fingerprints, descriptions, photographs  
137 (when specifically requested), and other identifying data on  
138 persons who have been lawfully arrested or taken into custody in  
139 this state for all felonies and misdemeanors as described in  
140 Section 45-27-7(2)(a). It shall be the duty of all chiefs of  
141 police, sheriffs, district attorneys, courts, court clerks,  
142 judges, parole and probation officers, wardens or other persons in  
143 charge of correctional institutions in this state to furnish the  
144 center with any other data deemed necessary by the center to carry  
145 out its responsibilities under this chapter.

146       (2) All persons in charge of law enforcement agencies shall  
147 obtain, or cause to be obtained, fingerprints according to the  
148 fingerprint system of identification established by the Director  
149 of the Federal Bureau of Investigation, full face and profile  
150 photographs (if equipment is available) and other available  
151 identifying data, of each person arrested or taken into custody  
152 for an offense of a type designated in subsection (1) of this  
153 section, of all persons arrested or taken into custody as  
154 fugitives from justice and of all unidentified human corpses in  
155 their jurisdictions, but photographs need not be taken if it is  
156 known that photographs of the type listed, taken within the  
157 previous year, are on file. Any record taken in connection with  
158 any person arrested or taken into custody and subsequently  
159 released without charge or cleared of the offense through court  
160 proceedings shall be purged from the files of the center and  
161 destroyed upon receipt by the center of a lawful expunction order.

162 All persons in charge of law enforcement agencies shall submit to  
163 the center detailed descriptions of arrests or takings into  
164 custody which result in release without charge or subsequent  
165 exoneration from criminal liability within twenty-four (24) hours  
166 of such release or exoneration.

167 (3) Fingerprints and other identifying data required to be  
168 taken under subsection (2) shall be forwarded within twenty-four  
169 (24) hours after taking for filing and classification, but the  
170 period of twenty-four (24) hours may be extended to cover any  
171 intervening holiday or weekend. Photographs taken shall be  
172 forwarded at the discretion of the agency concerned, but, if not  
173 forwarded, the fingerprint record shall be marked "Photo  
174 Available" and the photographs shall be forwarded subsequently if  
175 the center so requests.

176 (4) All persons in charge of law enforcement agencies shall  
177 submit to the center detailed descriptions of arrest warrants and  
178 related identifying data immediately upon determination of the  
179 fact that the warrant cannot be served for the reasons stated. If  
180 the warrant is subsequently served or withdrawn, the law  
181 enforcement agency concerned must immediately notify the center of  
182 such service or withdrawal. Also, the agency concerned must  
183 annually, no later than January 31 of each year and at other times  
184 if requested by the center, confirm all such arrest warrants which  
185 continue to be outstanding. Upon receipt of a lawful expunction  
186 order, the center shall purge and destroy files of all data  
187 relating to an offense when an individual is subsequently  
188 exonerated from criminal liability of that offense. The center  
189 shall not be liable for the failure to purge, destroy or expunge  
190 any records if an agency or court fails to forward to the center  
191 proper documentation ordering such action.

192 (5) All persons in charge of state correctional institutions  
193 shall obtain fingerprints, according to the fingerprint system of  
194 identification established by the Director of the Federal Bureau

195 of Investigation or as otherwise directed by the center, and full  
196 face and profile photographs of all persons received on commitment  
197 to such institutions. The prints so taken shall be forwarded to  
198 the center, together with any other identifying data requested,  
199 within ten (10) days after the arrival at the institution of the  
200 person committed. At the time of release, the institution will  
201 again obtain fingerprints, as before, and forward them to the  
202 center within ten (10) days, along with any other related  
203 information requested by the center. The institution shall notify  
204 the center immediately upon the release of such person.

205 (6) All persons in charge of law enforcement agencies, all  
206 court clerks, all municipal justices where they have no clerks,  
207 all justice court judges and all persons in charge of state and  
208 county probation and parole offices, shall supply the center with  
209 the information described in subsections (4) and (10) of this  
210 section on the basis of the forms and instructions to be supplied  
211 by the center.

212 (7) All persons in charge of law enforcement agencies in  
213 this state shall furnish the center with any other identifying  
214 data required in accordance with guidelines established by the  
215 center. All law enforcement agencies and correctional  
216 institutions in this state having criminal identification files  
217 shall cooperate in providing the center with copies of such items  
218 in such files which will aid in establishing the nucleus of the  
219 state criminal identification file.

220 (8) All law enforcement agencies within the state shall  
221 report to the center, in a manner prescribed by the center, all  
222 persons wanted by and all vehicles and identifiable property  
223 stolen from their jurisdictions. The report shall be made as soon  
224 as is practical after the investigating department or agency  
225 either ascertains that a vehicle or identifiable property has been  
226 stolen or obtains a warrant for an individual's arrest or  
227 determines that there are reasonable grounds to believe that the

228 individual has committed a crime. The report shall be made within  
229 a reasonable time period following the reporting department's or  
230 agency's determination that it has grounds to believe that a  
231 vehicle or property was stolen or that the wanted person should be  
232 arrested.

233 (9) All law enforcement agencies in the state shall  
234 immediately notify the center if at any time after making a report  
235 as required by subsection (8) of this section it is determined by  
236 the reporting department or agency that a person is no longer  
237 wanted or that a vehicle or property stolen has been recovered.  
238 Furthermore, if the agency making such apprehension or recovery is  
239 not the one which made the original report, then it shall  
240 immediately notify the originating agency of the full particulars  
241 relating to such apprehension or recovery using methods prescribed  
242 by the center.

243 (10) All law enforcement agencies in the state and clerks of  
244 the various courts shall promptly report to the center all  
245 instances where records of convictions of criminals are ordered  
246 expunged by courts of this state as now provided by law. The  
247 center shall promptly expunge from the files of the center and  
248 destroy all records pertaining to any convictions that are ordered  
249 expunged by the courts of this state as provided by law.

250 (11) The center shall not be held liable for the failure to  
251 purge, destroy or expunge records if an agency or court fails to  
252 forward to the center proper documentation ordering such action.

253 (12) Any criminal justice department or agency making an  
254 expenditure in excess of Five Thousand Dollars (\$5,000.00) in any  
255 calendar year on software or programming upgrades concerning a  
256 computerized records management system or jail management system  
257 shall ensure that the new or upgraded system is formatted to  
258 Department of Justice approved XML format and that no impediments  
259 to data sharing with other agencies or departments exist in the  
260 software programming.



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