

By: Senator(s) Ross

To: Appropriations

SENATE BILL NO. 2563

1 AN ACT TO CREATE THE MISSISSIPPI WITNESS PROTECTION PROGRAM
 2 STUDY COMMITTEE; TO SPECIFY THE MEMBERSHIP THEREOF; TO SET FORTH
 3 THE PURPOSE OF THE STUDY COMMITTEE; TO PROVIDE FOR THE ELECTION OF
 4 A CHAIRPERSON AND OTHER OFFICERS; TO PROVIDE FOR MEETINGS OF THE
 5 COMMITTEE; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE
 6 ADMINISTRATIVE SUPPORT TO THE COMMITTEE; TO SET FORTH ADDITIONAL
 7 DUTIES AND POWERS OF THE COMMITTEE; TO REQUIRE STATE AND LOCAL
 8 GOVERNMENT AGENCIES TO ASSIST THE COMMITTEE; TO AUTHORIZE THE
 9 COMMITTEE TO ENLIST THE SERVICE OF OTHER AGENCIES, ASSOCIATIONS
 10 AND ORGANIZATIONS TO ASSIST THE COMMITTEE; TO AUTHORIZE THE
 11 COMMITTEE TO EMPLOY SUPPORT PERSONNEL; TO AUTHORIZE PER DIEM
 12 PAYMENT AND TRAVEL EXPENSES; TO AUTHORIZE EXPENDITURE OF
 13 APPROPRIATED FUNDS; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** (1) The Mississippi Witness Protection Program
 16 Study Committee is hereby created. It shall consist of eight (8)
 17 members who are to be selected as follows:

18 (a) The Commissioner of Public Safety, who shall chair
 19 the study committee.

20 (b) One (1) circuit judge elected by the Conference of
 21 Circuit Judges.

22 (c) One (1) sheriff elected by the Sheriffs'
 23 Association.

24 (d) One (1) police chief elected by the Police Chiefs'
 25 Association.

26 (e) The President of the Mississippi Criminal Defense
 27 Lawyers Association shall appoint one (1) member from its
 28 membership.

29 (f) Two (2) prosecutors elected by the Prosecutors'
 30 Association, at least one (1) of whom is a District Attorney or
 31 employed by a District Attorney.

32 (g) The Chief Justice of the Supreme Court shall
33 appoint one (1) Public Defender.

34 Appointments and vacancies on the study committee shall be
35 filled by the respective selecting and appointing authorities.

36 (2) The purpose of the study committee shall be to make
37 recommendations to the Legislature and the Supreme Court as to the
38 need in Mississippi for a state-level Witness Protection Program,
39 including obtaining statistical information with reference to
40 cases in the various courts in Mississippi; conducting research
41 relating to improvement of the administration of justice; the
42 needs of law enforcement agencies in the State of Mississippi; and
43 making a comprehensive study of the potential usefulness to the
44 state of a Witness Protection Program. In addition, the study
45 committee is charged with the examination of the operational
46 needs, including budget, staffing, and the best placement
47 administratively, of any future Witness Protection Program, and
48 may make such policy recommendations as will promote the
49 administration of justice.

50 (3) (a) The chairman shall set and give notice of the time,
51 date and place of the initial meeting, at which time the study
52 committee shall elect a vice chairperson from its members and any
53 other officers which it considers necessary to carry out the
54 purpose of the committee. The chair shall not vote unless
55 necessary to break a tie vote of the committee. The committee may
56 form any committees from its membership in order to assist the
57 committee in accomplishing its purposes as provided in this act.

58 (b) The committee shall meet at least quarterly and at
59 such other times as meetings may be called by the chair. A
60 majority of the members shall constitute a quorum at any meeting.
61 Any final action taken by the study committee shall require the
62 affirmative vote of a majority.

63 (4) The Department of Public Safety shall provide such
64 support of the Mississippi Witness Protection Program Study

65 Committee as is necessary to accomplish the purposes of this act,
66 including, but not limited to, research and clerical assistance.

67 (5) (a) In addition to the other duties specified, the
68 committee shall file a report with the Legislature not later than
69 December 15, 2007. The document shall report on the need, if any,
70 for a state-level Witness Protection Program. The report shall
71 also make specific recommendations for structure of any future
72 Witness Protection Program as well as a projected cost for the
73 program over the first five (5) years of operation, setting forth
74 start-up costs separately from operating costs.

75 (b) The committee is authorized and empowered for the
76 accomplishment of its purposes to undertake any studies, reviews,
77 inquiries, hearings, examinations, surveys or analyses as it may
78 deem pertinent, relevant and justified. The committee shall
79 propose and prepare in detailed form for the consideration of the
80 Legislature such amendments to existing law, such statutes, and
81 such constitutional amendments as in the judgment of the committee
82 will facilitate the operation of the Witness Protection Program
83 and promote the administration of justice.

84 (6) The committee is authorized to call upon any and all
85 existing courts, agencies, departments, divisions, officers,
86 employees, boards, bureaus, commissions and institutions of the
87 State of Mississippi, or any political subdivision thereof, to
88 furnish such information, data and assistance as will enable it to
89 carry out its powers and duties hereunder and all such agencies,
90 departments, divisions, officers, employees, boards, bureaus,
91 commissions and institutions of the State of Mississippi and its
92 political subdivisions are hereby directed to cooperate with the
93 committee and render such information, data, aid and assistance as
94 may be requested by the committee.

95 (7) The committee shall have the power to enlist the
96 services of any agency, either public or private, or any
97 individual or educational institution, bar association, research

98 organization, foundation or educational or civic organization for
99 assistance in accomplishing the purposes of this act, conducting
100 research studies, gathering information or printing and publishing
101 its reports. The committee is authorized to make and sign any
102 agreements or contracts to do or perform any actions that may be
103 necessary, desirable or proper to carry out the purposes and
104 objectives of this act.

105 (8) The committee may employ any agents, clerks,
106 researchers, counsel, consultants and other personnel necessary
107 for the performance of the duties of the study committee and fix
108 their respective rates of compensation, all subject to the
109 approval of the State Personnel Board and within the amounts made
110 available by appropriation therefor or received from other
111 sources.

112 (9) Members of the committee shall receive a per diem as
113 provided in Section 25-3-69 for actual attendance upon meetings of
114 the study committee, together with reimbursement for traveling and
115 subsistence expenses incurred as provided in Section 25-3-41,
116 Mississippi Code of 1972, except that members of the study
117 committee whose regular compensation is payable by the state or
118 any political subdivision of the state shall not receive per diem
119 for attendance upon meetings of the study committee.

120 (10) The committee is authorized and empowered to receive
121 and expend any funds appropriated to it by the Legislature and any
122 funds received by it from any other source in carrying out the
123 objectives and purposes of this act.

124 **SECTION 2.** This act shall take effect and be in force from
125 and after its passage.