

By: Representatives Bain, Stamps

To: Judiciary B

HOUSE BILL NO. 87
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-1-23, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THAT THE DIRECTOR AND INVESTIGATORS OF THE MISSISSIPPI
3 DEPARTMENT OF HUMAN SERVICES FRAUD INVESTIGATION UNIT HAVE LAW
4 ENFORCEMENT AUTHORITY; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 43-1-23, Mississippi Code of 1972, is
7 amended as follows:

8 43-1-23. (1) There is created within the State Department
9 of Human Services a separate administrative unit to be known as
10 the "Fraud Investigation Unit." The Fraud Investigation Unit
11 shall be headed by a director appointed by the Executive Director
12 of the department. The Director of the Fraud Investigation Unit,
13 and each investigator within the unit shall be a * * * ~~person who~~
14 ~~is~~ law enforcement officer, part-time law enforcement officer, or
15 law enforcement trainee as defined in Section 45-6-3(c) through
16 (e), Mississippi Code of 1972, and knowledgeable in the programs
17 administered by the department. The Fraud Investigation Unit
18 shall be responsible for:



19 (a) Conducting investigations for the purpose of aiding
20 the department in the prevention of, detection of and verification
21 of the perpetration of fraud or abuse of any program by any
22 client, any vendor of services with whom the department has
23 contracted, with any nonfederal entity in which the department has
24 entered into an agreement with, or any employee of the department,
25 and for the aiding of the department in the recoupment of any
26 funds owed to the department as a result of fraud or abuse;

27 (b) The notification and forwarding of any information
28 relevant to possible criminal violations to the appropriate
29 prosecuting authority and assisting in the prosecution of any case
30 referred to a prosecutor, if requested; and

31 (c) Such other duties as prescribed in regulations of
32 the department, which shall include, but not be limited to,
33 reporting any suspected criminal violations discovered in the
34 course of an investigation by the Fraud Investigation Unit
35 involving statutes not within the programmatic purview of the
36 Department of Human Services such as human trafficking, domestic
37 violence, child abuse or other crimes against persons to the
38 Director of the Mississippi Bureau of Investigation.
39 Additionally, investigators of the Fraud Investigation Unit shall
40 cooperate in any investigation arising from a report to the
41 Mississippi Bureau of Investigation and in any task force which
42 currently exists or which may be created in the future by the
43 Mississippi Bureau of Investigation.



44 (2) The Fraud Investigation Unit is authorized to employ
45 such other investigative, technical, secretarial and support staff
46 as may be necessary.

47 (3) The Fraud Investigation Unit shall not have state-wide
48 police power except as otherwise provided herein or in the event
49 the unit is granted and accepts additional authority as a contract
50 agent of the Mississippi Bureau of Investigation pursuant to
51 Section 45-1-6, Mississippi Code of 1972. In order to carry out
52 the responsibilities of the Fraud Investigation Unit, the
53 investigators may request and receive assistance from all state
54 and local agencies, boards, commissions, and bureaus, including,
55 without limitation, the * * * ~~State Tax Commission~~ Department of
56 Revenue, the Department of Public Safety, and all public and
57 private agencies maintaining data banks, criminal or other records
58 that would enable the investigators to make verification of fraud
59 or abuse in violation of state or federal statutes. All records
60 and information shall be confidential and shall be available only
61 to the Fraud Investigation Unit, district or county attorneys, the
62 Attorney General, and courts having jurisdiction in criminal
63 proceedings.

64 (4) The department is authorized to enter into contracts
65 with other agencies administering aid or benefits or services
66 under any state or federally funded assistance program which need
67 the assistance of the department's Fraud Investigation Unit.



68 (5) To accomplish the objectives and to carry out the duties
69 prescribed in this section, the executive director, or his
70 designee, in addition to the powers conferred by this section, may
71 issue subpoenas with the approval of, and returnable to, a judge
72 of the circuit, county or chancery court, in termtime or in
73 vacation, to examine the records, documents or other evidence of
74 persons, firms, corporations or any other entities insofar as such
75 records, documents or other evidence relate to dealings material
76 to an investigation.

77 **SECTION 2.** This act shall take effect and be in force from
78 and after July 1, 2021.

