

By: Representatives Bain, Stamps

To: Judiciary B

HOUSE BILL NO. 87

1 AN ACT TO AMEND SECTION 43-1-23, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT MISSISSIPPI DEPARTMENT OF HUMAN SERVICES FRAUD
3 INVESTIGATORS HAVE LAW ENFORCEMENT AUTHORITY; AND FOR RELATED
4 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 all investigators shall be a * * * law enforcement officer,
14 part-time law enforcement officer, or law enforcement trainee as
15 defined in Section 45-6-3(c) through (e), Mississippi Code of
16 1972, and knowledgeable in the programs administered by the
17 department. The Fraud Investigation Unit shall be responsible
18 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.

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

36 (3) In order to carry out the responsibilities of the Fraud
37 Investigation Unit, the investigators may request and receive
38 assistance from all state and local agencies, boards, commissions,
39 and bureaus, including, without limitation, the * * * Department
40 of Revenue, the Department of Public Safety, and all public and
41 private agencies maintaining data banks, criminal or other records
42 that would enable the investigators to make verification of fraud
43 or abuse in violation of state or federal statutes. All records



44 and information shall be confidential and shall be available only
45 to the Fraud Investigation Unit, district or county attorneys, the
46 Attorney General, and courts having jurisdiction in criminal
47 proceedings.

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

52 (5) To accomplish the objectives and to carry out the duties
53 prescribed in this section, the executive director, or his
54 designee, in addition to the powers conferred by this section, may
55 issue subpoenas with the approval of, and returnable to, a judge
56 of the circuit, county or chancery court, in termtime or in
57 vacation, to examine the records, documents or other evidence of
58 persons, firms, corporations or any other entities insofar as such
59 records, documents or other evidence relate to dealings material
60 to an investigation.

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

