

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.

