

By: Representative Mims

To: Public Health and Human Services

HOUSE BILL NO. 144

1 AN ACT TO AMEND SECTION 43-1-23, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE DIRECTOR OF THE FRAUD INVESTIGATION UNIT OF THE
3 DEPARTMENT OF HUMAN SERVICES AND EACH INVESTIGATOR OF THE UNIT TO
4 BE A LAW ENFORCEMENT OFFICER, PART-TIME LAW ENFORCEMENT OFFICER OR
5 LAW ENFORCEMENT TRAINEE; TO EXPAND THE DUTIES OF THE UNIT TO
6 INCLUDE INVESTIGATIONS TO AID THE DEPARTMENT IN THE PREVENTION OF
7 FRAUD OR ABUSE OF ANY PROGRAM OF THE DEPARTMENT; AND FOR RELATED
8 PURPOSES.

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

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

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



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

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

34 (c) Such other duties as prescribed in regulations of
35 the department.

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

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



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

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

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

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

