

By: Representatives Lamar, Tullos

To: Insurance

HOUSE BILL NO. 521

1 AN ACT TO AMEND SECTION 25-61-3, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE MISSISSIPPI PUBLIC RECORDS ACT OF 1983 TO EXEMPT FROM  
3 THE DEFINITION OF PUBLIC RECORDS CERTAIN RECORDS OF THE  
4 MISSISSIPPI WORKERS' COMPENSATION COMMISSION; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 25-61-3, Mississippi Code of 1972, is  
8 amended as follows:

9 25-61-3. The following words shall have the meanings  
10 ascribed herein unless the context clearly requires otherwise:

11 (a) "Public body" shall mean any department, bureau,  
12 division, council, commission, committee, subcommittee, board,  
13 agency and any other entity of the state or a political  
14 subdivision thereof, and any municipal corporation and any other  
15 entity created by the Constitution or by law, executive order,  
16 ordinance or resolution. The term "public body" includes the  
17 governing board of a charter school authorized by the Mississippi  
18 Charter School Authorizer Board. Within the meaning of this  
19 chapter, the term "entity" shall not be construed to include



20 individuals employed by a public body or any appointed or elected  
21 public official.

22 (b) "Public records" shall mean all books, records,  
23 papers, accounts, letters, maps, photographs, films, cards, tapes,  
24 recordings or reproductions thereof, and any other documentary  
25 materials, regardless of physical form or characteristics, having  
26 been used, being in use, or prepared, possessed or retained for  
27 use in the conduct, transaction or performance of any business,  
28 transaction, work, duty or function of any public body, or  
29 required to be maintained by any public body. "Public records"  
30 shall not mean:

31 (i) "Personal information" as defined in Section  
32 25-62-1 \* \* \*; and

33 (ii) Records of the Mississippi Workers' Compensation  
34 Commission that include personal, private or identifying  
35 information of any person with a claim or potential claim under  
36 the Workers' Compensation Law. This shall not apply to  
37 disclosures to a consumer reporting agency, as defined by 15  
38 U.S.C. Section 1681 (f), pursuant to or in connection with an  
39 activity governed by the Fair Credit Reporting Act, Section 1681  
40 et seq., Title 15 of the United States Code.

41 (c) "Data processing software" means the programs and  
42 routines used to employ and control the capabilities of data  
43 processing hardware, including, but not limited to, operating  
44 systems, compilers, assemblers, utilities, library routines,



45 maintenance routines, applications and computer networking  
46 programs.

47 (d) "Proprietary software" means data processing  
48 software that is obtained under a licensing agreement and is  
49 protected by copyright or trade secret laws.

50 (e) "Incident report" means a narrative description, if  
51 such narrative description exists and if such narrative  
52 description does not contain investigative information, of an  
53 alleged offense, and at a minimum shall include the name and  
54 identification of each person charged with and arrested for the  
55 alleged offense, the time, date and location of the alleged  
56 offense, and the property involved, to the extent this information  
57 is known.

58 (f) "Investigative report" means records of a law  
59 enforcement agency containing information beyond the scope of the  
60 matters contained in an incident report, and generally will  
61 include, but not be limited to, the following matters if beyond  
62 the scope of the matters contained in an incident report:

63 (i) Records that are compiled in the process of  
64 detecting and investigating any unlawful activity or alleged  
65 unlawful activity, the disclosure of which would harm the  
66 investigation which may include crime scene reports and  
67 demonstrative evidence;

68 (ii) Records that would reveal the identity of  
69 informants and/or witnesses;



70 (iii) Records that would prematurely release  
71 information that would impede the public body's enforcement,  
72 investigative or detection efforts;

73 (iv) Records that would disclose investigatory  
74 techniques and/or results of investigative techniques;

75 (v) Records that would deprive a person of a right  
76 to a fair trial or an impartial adjudication;

77 (vi) Records that would endanger the life or  
78 safety of a public official or law enforcement personnel, or  
79 confidential informants or witnesses;

80 (vii) Records pertaining to quality control or  
81 PEER review activities; or

82 (viii) Records that would impede or jeopardize a  
83 prosecutor's ability to prosecute the alleged offense.

84 (g) "Law enforcement agency" means a public body that  
85 performs as one (1) of its principal functions activities  
86 pertaining to the enforcement of criminal laws, the apprehension  
87 and investigation of criminal offenders, or the investigation of  
88 criminal activities.

89 **SECTION 2.** This act shall take effect and be in force from  
90 and after July 1, 2022.

