

By: Senator(s) Wiggins

To: Judiciary, Division A;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2338

1 AN ACT TO AMEND SECTION 43-1-23, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE FRAUD INVESTIGATION UNIT OF THE DEPARTMENT OF HUMAN
3 SERVICES TO REPORT TO THE STATE AUDITOR ANY SUSPECTED CIVIL OR
4 CRIMINAL VIOLATIONS RELATING TO PROGRAM FRAUD, EMBEZZLEMENT AND
5 ABUSE; AND FOR RELATED PURPOSES.

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

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

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



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

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

32 (c) The reporting to the Office of the State Auditor of
33 any suspected civil or criminal violations relating to program
34 fraud, embezzlement or abuse; and

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



45 Mississippi Bureau of Investigation and in any task force which
46 currently exists or which may be created in the future by the
47 Mississippi Bureau of Investigation.

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

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

68 (4) The department is authorized to enter into contracts
69 with other agencies administering aid or benefits or services



70 under any state or federally funded assistance program which need
71 the assistance of the department's Fraud Investigation Unit.

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

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

