

By: Senator(s) Wiggins

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

COMMITTEE SUBSTITUTE
FOR
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 OR
5 RELATED CRIMES; 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, embezzlement
28 or * * * related crimes;

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

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

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



45 cooperate in any investigation arising from a report to the
46 Mississippi Bureau of Investigation and in any task force which
47 currently exists or which may be created in the future by the
48 Mississippi Bureau of Investigation.

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

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



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

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

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

