

By: Senator(s) England

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

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2536

1 AN ACT TO CREATE A PUBLIC REGISTRY OF OFFENDERS WHOSE CRIMES
2 INVOLVED THE EMBEZZLEMENT OR MISAPPROPRIATION OF PUBLIC FUNDS; TO
3 DEFINE TERMS; TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO CREATE
4 A REGISTRY OF OFFENDERS; TO REQUIRE RESPONSIBLE AGENCIES TO
5 FORWARD CERTAIN INFORMATION TO THE DEPARTMENT; TO REQUIRE
6 OFFENDERS TO REPORT TO THE DEPARTMENT WITHIN A PRESCRIBED
7 TIMEFRAME; TO AUTHORIZE THE DEPARTMENT TO PROMULGATE RULES FOR THE
8 IMPLEMENTATION OF THE ACT; TO AMEND SECTION 25-1-113, MISSISSIPPI
9 CODE OF 1972, TO PROHIBIT LOCAL GOVERNMENTS FROM HIRING PERSONS ON
10 THE REGISTRY FOR CERTAIN POSITIONS; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** For purposes of Sections 1 through 6 of this act,
13 unless the context requires otherwise, the following terms shall
14 have the meanings ascribed herein:

15 (a) "Conviction" means a judgment entered by a
16 Mississippi court upon a plea of guilty, a plea of nolo
17 contendere, or a finding of guilt by a jury or the court,
18 notwithstanding any pending appeal or habeas corpus proceeding
19 arising from the judgment. "Conviction" includes a disposition of
20 pretrial diversion or nonadjudication under Section 99-15-26.

21 (b) "Department" means the Department of Public Safety.



22 (c) "Offender" means a person convicted of a
23 registrable offense.

24 (d) "Registrable offense" means a crime chargeable
25 under Sections 97-7-10, 97-11-25 through 97-11-31, 97-15-3,
26 97-15-5, 97-11-11, 97-11-13, 97-11-53, 97-13-1, 97-13-3, or any
27 crime that involves the embezzlement or misappropriation of public
28 funds as determined by the circuit court in its sentencing order
29 upon conviction.

30 (e) "Registrant" means a person who is registered in
31 compliance with this act.

32 **SECTION 2.** (1) The department shall post a publicly
33 accessible registry online of all offenders by July 1, 2023.

34 (2) (a) The list must include the offender's full legal
35 name, any aliases by which the offender is or has been known,
36 including any online or internet identifiers and the offender's
37 date of birth.

38 (b) The list shall not include the offender's social
39 security number, driver's license number, any other state or
40 federal identification number, physical address or telephone
41 numbers.

42 (3) (a) If the offender is not convicted of another
43 registrable offense while listed, the department shall remove the
44 offender's information from the list after either five (5) years
45 from the date of the offender's conviction or five (5) years from



46 the date of an offender's release from physical incarceration,
47 whichever is later.

48 (b) Notwithstanding paragraph (a) of this subsection, a
49 person who has served any sentence imposed and paid all fines,
50 penalties and any restitution ordered may petition the department
51 to be removed from the list after the satisfaction of the
52 conditions of this paragraph (b). Upon receipt and confirmation
53 of a true and correct petition, the department shall remove the
54 offender from the registry.

55 **SECTION 3.** (1) The department shall maintain the registry
56 on the internet, which shall contain a disclaimer informing the
57 public that:

58 (a) The information contained on the website is
59 obtained from public records and the department does not guarantee
60 the website's accuracy or completeness;

61 (b) The list only includes persons convicted in
62 Mississippi state courts of a limited list of crimes. Persons who
63 are convicted in any federal court, or who are convicted of a
64 crime other than a registrable offense will not appear on the
65 registry.

66 (2) The department and any individual or entity acting at
67 the request or upon the direction of the department are immune
68 from civil liability for damages arising from reporting
69 information under this act and will be presumed to have acted in
70 good faith in performing its duties under this act.



71 **SECTION 4.** Upon the entry of the order sentencing the
72 offender to probation or parole or upon the date of release of the
73 offender from the physical custody of the responsible agency, the
74 responsible agency shall forward the department a copy of the
75 conviction, sentencing order, name, sex and date of birth of the
76 offender convicted of a registrable offense under this act.

77 **SECTION 5.** (1) An offender required to register on the
78 basis of a conviction entered shall register with the responsible
79 agency within thirty (30) business days of the date of judgment
80 unless the offender is immediately confined or committed, in which
81 case the offender shall register before release in accordance with
82 the procedures established by the department. The responsible
83 agency shall immediately forward the registration information to
84 the department.

85 **SECTION 6.** The department shall promulgate rules in
86 accordance with the Mississippi Administrative Procedures Law,
87 Title 25, Chapter 43, Mississippi Code of 1972, to effectuate the
88 purposes of this act.

89 **SECTION 7.** Section 25-1-113, Mississippi Code of 1972, is
90 amended as follows:

91 25-1-113. (1) From and after July 1, 2013, the state and
92 any county, municipality or any other political subdivision shall
93 not employ a person who has been convicted or pled guilty in any
94 court of this state, another state, or in federal court of any
95 felony in which public funds were unlawfully taken, obtained or



96 misappropriated in the abuse or misuse of the person's office or
97 employment or money coming into the person's hands by virtue of
98 the person's office or employment.

99 (2) From and after July 1, 2014, the state and any county,
100 municipality or any other political subdivision shall not employ
101 or continue to employ a person who has been convicted or pled
102 guilty in any court of this state, another state, or in federal
103 court of any felony in which public funds were unlawfully taken,
104 obtained or misappropriated in the abuse or misuse of the person's
105 office or employment or money coming into the person's hands by
106 virtue of the person's office or employment.

107 (3) From and after July 1, 2023, the state and any county,
108 municipality or any other political subdivision shall not hire any
109 person who appears on the registry created in Sections 1 through 6
110 of this act for any position in accounting, or in a treasury or
111 registrar office, or in any office where monies are collected or
112 received directly from rate or fee payers.

113 **SECTION 8.** This act shall take effect and be in force from
114 and after July 1, 2022.

