

By: Senator(s) England

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

SENATE BILL NO. 2536

1 AN ACT TO CREATE THE MISSISSIPPI PUBLIC FUNDS OFFENDER  
2 REGISTRY; TO DEFINE TERMS; TO DIRECT THE DEPARTMENT OF PUBLIC  
3 SAFETY TO CREATE A REGISTRY OF OFFENDERS; TO REQUIRE RESPONSIBLE  
4 AGENCIES TO FORWARD CERTAIN INFORMATION TO THE DEPARTMENT; TO  
5 REQUIRE RESPONSIBLE AGENCY TO INITIALLY REGISTER OFFENDERS; TO  
6 REQUIRE OFFENDERS TO REPORT TO THE DEPARTMENT WITHIN A PRESCRIBED  
7 TIMEFRAME; TO REQUIRE REGISTRANTS TO REREGISTER ANNUALLY; TO  
8 AUTHORIZE THE DEPARTMENT TO PROMULGATE RULES FOR THE  
9 IMPLEMENTATION OF THE ACT; TO AMEND SECTION 25-1-113, MISSISSIPPI  
10 CODE OF 1972, TO PROHIBIT LOCAL GOVERNMENTS FROM HIRING PERSONS ON  
11 THE REGISTRY FOR CERTAIN POSITIONS; TO AMEND SECTION 99-19-35,  
12 MISSISSIPPI CODE OF 1972, TO PROHIBIT APPOINTMENT OR ELECTION OF  
13 PERSONS ON THE REGISTRY TO CERTAIN OFFICES OR EMPLOYMENT; AND FOR  
14 RELATED PURPOSES.

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

16 **SECTION 1.** This act shall be known and may be cited as the  
17 "Mississippi Public Funds Offender Registry Act."

18 **SECTION 2.** For purposes of Sections 1 through 6 of this act,  
19 unless the context requires otherwise, the following terms shall  
20 have the meanings ascribed herein:

21 (a) "Conviction" means a judgment entered by a  
22 Mississippi court upon a plea of guilty, a plea of nolo  
23 contendere, or a finding of guilt by a jury or the court,  
24 notwithstanding any pending appeal or habeas corpus proceeding



25 arising from the judgment. "Conviction" includes a disposition of  
26 pretrial diversion or nonadjudication under Section 99-15-26.

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

28 (c) "Offender" means a person convicted of a  
29 registrable offense.

30 (d) "Registrable offense" means a crime chargeable  
31 under the following provisions of law:

32 (i) Section 97-7-10, which relates to the  
33 defrauding of state and local governments.

34 (ii) Sections 97-11-25 through 97-11-31, which  
35 relate to embezzlement by public officials.

36 (iii) Sections 97-15-3 and 97-15-5, which relate  
37 to bribery of members and employees of the Highway Commission and  
38 the defrauding of the state by Highway Commission members,  
39 employees or highway contractors.

40 (iv) Sections 97-11-11, 97-11-13 and 97-11-53,  
41 which relate to acceptance of bribes by public officials and  
42 bribery of public officials.

43 (v) Sections 97-13-1 and 97-13-3, which relate to  
44 bribery of electors or election officials.

45 (vi) Any crime that involves the embezzlement or  
46 misappropriation of public funds as determined by the circuit  
47 court in its sentencing order upon conviction. The term "public  
48 funds" has the meaning as defined in Section 31-3-1.



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

51 (f) "Responsible agency" is defined as the person or  
52 government entity whose duty it is to obtain information from a  
53 public funds offender upon conviction and to transmit that  
54 information to the department.

55 (i) For an offender being released from the  
56 custody of the Department of Corrections, the responsible agency  
57 is the Department of Corrections.

58 (ii) For an offender being released from a county  
59 jail, the responsible agency is the sheriff of that county.

60 (iii) For an offender being released from a  
61 municipal jail, the responsible agency is the police department of  
62 that municipality.

63 (iv) For an offender who is being placed on  
64 probation, including conditional discharge or unconditional  
65 discharge, without any sentence of incarceration, the responsible  
66 agency is the sentencing court.

67 (v) For an offender who is paroled, the  
68 responsible agency is the state parole board.

69 **SECTION 3.** (1) The department shall post a publicly  
70 accessible registry online of all offenders by July 1, 2023.

71 (2) (a) The list must include the following information:

72 (i) The offender's full legal name;



73 (ii) Any aliases by which the offender is or has  
74 been known, but not including any online or internet identifiers;  
75 (iii) A physical description, including the  
76 offender's date of birth, height, weight, and eye and hair color;  
77 (iv) A recent photograph of the offender; and  
78 (v) Other identifying data as the department  
79 determines is necessary to properly identify the offender and to  
80 exclude innocent persons.

81 (b) The list shall not include the offender's:

- 82 (i) Social security number;  
83 (ii) Driver's license number;  
84 (iii) Any other state or federal identification  
85 number;  
86 (iv) Physical address; or  
87 (v) Telephone numbers.

88 (3) (a) If the offender is not convicted of another  
89 registrable offense while listed, the department shall remove the  
90 offender's information from the list after either five (5) years  
91 from the date of the offender's conviction or five (5) years from  
92 the date of an offender's release from physical incarceration,  
93 whichever is later. Any violation of the sentencing terms or plea  
94 arrangement by the offender, as determined in a hearing by a judge  
95 upon motion of the district attorney or the department, shall  
96 restart the time period described in this paragraph (a).



97           (b) Notwithstanding paragraph (a) of this subsection, a  
98 person who has served any sentence imposed and paid all fines,  
99 penalties and any restitution ordered may petition the department  
100 to be removed from the list after the satisfaction of the  
101 conditions of this paragraph (b). Upon receipt and confirmation  
102 of a true and correct petition, the department shall remove the  
103 offender from the registry.

104           **SECTION 4.** (1) The department shall maintain the registry  
105 on the internet, which shall contain a disclaimer informing the  
106 public that:

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

110           (b) The list only includes persons convicted in  
111 Mississippi state courts of a limited list of crimes. Persons who  
112 are convicted in any federal court, or who are convicted of a  
113 crime other than a registrable offense will not appear on the  
114 registry. The absence of an individual from the registry does not  
115 indicate that the individual is trustworthy or that an investment  
116 proposed by the individual is legitimate and suitable for any  
117 particular investor. Learn the warning signs of fraud, and  
118 consult with your legal, financial and tax advisors before  
119 investing;



120 (c) Members of the public are not allowed to use the  
121 information to harass or threaten offenders or members of their  
122 families; and

123 (d) Harassment, stalking or making threats against  
124 offenders or their families is prohibited and may violate  
125 Mississippi criminal laws.

126 (2) The registry shall be indexed by the surname of the  
127 offender.

128 (3) The department shall require users, before accessing the  
129 registry, to indicate that they have read and understand the  
130 disclaimer in subsection (1) of this section and agreed to comply  
131 with the disclaimer's terms.

132 (4) The registry shall include the following information:

133 (a) All names and aliases by which the offender is or  
134 has been known, but not including any online or internet  
135 identifiers;

136 (b) A physical description, including the offender's  
137 date of birth, height, weight, and eye and hair color;

138 (c) A recent photograph of the offender which may be a  
139 photograph taken of the offender at booking; and

140 (d) The registrable offenses of which the offender has  
141 been convicted.

142 (5) The department and any individual or entity acting at  
143 the request or upon the direction of the department are immune  
144 from civil liability for damages arising from reporting



145 information under this act and will be presumed to have acted in  
146 good faith in performing its duties under this act.

147 **SECTION 5.** (1) (a) Upon the entry of the order sentencing  
148 the offender to probation or parole or upon the date of release of  
149 the offender from the physical custody of the responsible agency,  
150 the responsible agency shall forward the department a copy of the  
151 conviction, sentencing order, name, sex and date of birth of the  
152 offender convicted of a registrable offense under this act.

153 (b) Upon the entry of a finding of any violation of the  
154 sentencing terms or plea arrangement by the offender as determined  
155 by a court or the state parole board, the responsible agency shall  
156 forward the department notice of the violation.

157 (2) The Mississippi Department of Corrections and each  
158 circuit court clerk, county jail, sheriff department, municipal  
159 jail and municipal police department shall perform a good-faith  
160 search of its records for any persons that qualify as offenders  
161 under this act and forward the department the information detailed  
162 in Section 3(2) (a) of this act within one hundred eighty (180)  
163 calendar days of the effective date of this act.

164 (3) Any law enforcement agency shall cooperate with the  
165 department to obtain the information required by Section 3(2) (a)  
166 of this act.

167 **SECTION 6.** (1) An offender required to register on the  
168 basis of a conviction entered shall register with the responsible  
169 agency within three (3) business days of the date of judgment



170 unless the offender is immediately confined or committed, in which  
171 case the offender shall register before release in accordance with  
172 the procedures established by the department. The responsible  
173 agency shall immediately forward the registration information to  
174 the department. The offender is also required to personally  
175 appear at a facility designated by the department, or in a manner  
176 of the department's choosing, including by electronic means,  
177 within three (3) business days of registration with the  
178 responsible agency to obtain a public funds offender registration  
179 card.

180 (2) If an offender who is required to register under this  
181 section is released from prison or placed on parole or supervised  
182 release or in a restitution center or community work center, the  
183 Department of Corrections shall perform the registration duties  
184 before placement in a center or before release and immediately  
185 forward the registration information to the department. The  
186 offender is also required to personally appear at a facility  
187 designated by the Department of Public Safety, or in a manner of  
188 the department's choosing, including by electronic means, within  
189 three (3) business days of release or placement in a restitution  
190 center or community work center.

191 (3) If an offender required to register under this section  
192 is placed on probation, the court, at the time of entering the  
193 order, shall register the offender and immediately forward the  
194 registration information to the department. The offender is also





195 required to personally appear at a facility designated by the  
196 department, or in a manner of the department's choosing, including  
197 by electronic means, within three (3) business days of the entry  
198 of the order.

199 (4) Any offender required to register who is neither  
200 incarcerated, detained nor committed at the time the requirement  
201 to register attaches shall present himself to the county sheriff  
202 to register within three (3) business days, and shall personally  
203 appear at a facility designated by the department, or in a manner  
204 of the department's choosing, including by electronic means,  
205 within three (3) business days of the time the requirement to  
206 register attaches.

207 (5) A responsible agency shall inform an offender of his or  
208 her duties under this act.

209 (6) Every person required to register shall show proof of  
210 domicile. The commissioner shall promulgate any rules and  
211 regulations necessary to enforce this requirement and shall  
212 prescribe the means by which such person may show domicile.

213 (7) Any driver's license photograph, I.D. photograph, sex  
214 offender photograph, fingerprint, driver's license application  
215 and/or anything submitted to the department by a known convicted  
216 public funds offender, registered or not registered, can be used  
217 by the Department of Public Safety or any other authorized law  
218 enforcement agency for any means necessary in registration,



219 identification, investigation regarding their tracking or  
220 identification.

221 (8) The department will assist local law enforcement  
222 agencies in the effort to conduct address and other verifications  
223 of registered offenders.

224 **SECTION 7.** (1) Registrants are required to reregister  
225 annually.

226 (2) Reregistration includes the submission of current  
227 information and photograph to the department and the verification  
228 of registration information, including the street address and  
229 telephone number of the registrant; name, street address and  
230 telephone number of the registrant's employment, along with any  
231 other registration information that may need to be verified and  
232 the payment of any required fees.

233 (3) A person who fails to reregister and obtain a renewal  
234 offender registration card as required by this section commits a  
235 violation of this act. The Department of Public Safety will  
236 immediately notify any sheriff or other jurisdiction of any  
237 changes in information including residence address, employment if  
238 that jurisdiction, county or municipality is affected by the  
239 change.

240 **SECTION 8.** The department shall promulgate rules in  
241 accordance with the Mississippi Administrative Procedures Law,  
242 Chapter 43, Title 25, Mississippi Code of 1972, to effectuate the  
243 purposes of this act.



244           **SECTION 9.** Section 25-1-113, Mississippi Code of 1972, is  
245 amended as follows:

246           25-1-113. (1) From and after July 1, 2013, the state and  
247 any county, municipality or any other political subdivision shall  
248 not employ a person who has been convicted or pled guilty in any  
249 court of this state, another state, or in federal court of any  
250 felony in which public funds were unlawfully taken, obtained or  
251 misappropriated in the abuse or misuse of the person's office or  
252 employment or money coming into the person's hands by virtue of  
253 the person's office or employment.

254           (2) From and after July 1, 2014, the state and any county,  
255 municipality or any other political subdivision shall not employ  
256 or continue to employ a person who has been convicted or pled  
257 guilty in any court of this state, another state, or in federal  
258 court of any felony in which public funds were unlawfully taken,  
259 obtained or misappropriated in the abuse or misuse of the person's  
260 office or employment or money coming into the person's hands by  
261 virtue of the person's office or employment.

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



268           **SECTION 10.** Section 99-19-35, Mississippi Code of 1972, is  
269 amended as follows:

270           99-19-35. A person convicted of bribery, burglary, theft,  
271 arson, obtaining money or goods under false pretenses, perjury,  
272 forgery, embezzlement, or bigamy, shall not be allowed to practice  
273 medicine or dentistry, or be appointed to hold or perform the  
274 duties of any office of profit, trust, or honor, and a person who  
275 is listed on the registry created in Sections 1 through 6 of this  
276 act shall not be allowed to be appointed to hold or perform the  
277 duties of any office of profit, trust or honor, including service  
278 on a school board, unless after full pardon for the same.

279           **SECTION 11.** This act shall take effect and be in force from  
280 and after July 1, 2022.  
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