

By: Senator(s) England

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

SENATE BILL NO. 2536
(As Passed the Senate)

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 and if all fines, penalties and
44 restitution have been paid, the department shall remove the
45 offender's information from the list after either five (5) years
46 from the date of the offender's conviction or five (5) years from



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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

