

By: Representative Osborne

To: Judiciary B

HOUSE BILL NO. 812

1 AN ACT TO CREATE THE "RACIAL PROFILING PREVENTION ACT"; TO
 2 DEFINE CERTAIN TERMS; TO PROHIBIT LAW ENFORCEMENT OFFICERS FROM
 3 ENGAGING IN RACIAL PROFILING; TO REQUIRE LAW ENFORCEMENT AGENCIES
 4 TO DEVELOP POLICIES PROHIBITING TRAFFIC STOPS MOTIVATED BY A MOTOR
 5 VEHICLE OPERATOR'S PERSONAL CHARACTERISTICS; TO REQUIRE LAW
 6 ENFORCEMENT AGENCIES TO COLLECT CERTAIN INFORMATION RELATING TO
 7 TRAFFIC STOPS AND TO SUBMIT COPIES OF COMPLAINTS ALLEGING RACIAL
 8 PROFILING TO THE LOCAL DISTRICT ATTORNEY; TO REQUIRE THE
 9 INFORMATION REGARDING TRAFFIC STOPS AND COMPLAINTS ALLEGING RACIAL
 10 PROFILING TO BE COMPILED INTO A REPORT FOR THE GOVERNOR AND
 11 LEGISLATURE BY THE ATTORNEY GENERAL; TO REQUIRE THE ATTORNEY
 12 GENERAL TO PREPARE FORMS FOR THE SUBMISSION OF THESE REPORTS FROM
 13 LAW ENFORCEMENT AGENCIES; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** This act shall be known and may be cited as the
 16 "Racial Profiling Prevention Act."

17 **SECTION 2.** The following words and phrases have the meanings
 18 ascribed in this section unless the context clearly indicates
 19 otherwise:

20 (a) "Law enforcement agency" means the sheriff's office
 21 of any county, the police department of any municipality or town,
 22 or the Department of Public Safety.



23 (b) "Law enforcement officer" means a sworn officer of
24 a law enforcement agency.

25 (c) "Racial profiling" means the detention,
26 interdiction or other disparate treatment of an individual solely
27 on the basis of their actual or perceived race, color, ethnicity,
28 national origin, age, gender, religion, sexual orientation, gender
29 identity or immigration status.

30 **SECTION 3.** (1) A law enforcement officer may not engage in
31 racial profiling.

32 (2) Every law enforcement agency shall adopt a written
33 policy that prohibits the stopping, detention or search of any
34 person when the action is motivated solely by considerations of
35 actual or perceived race, color, ethnicity, national origin, age,
36 gender, religion, sexual orientation, gender identity or
37 immigration status.

38 **SECTION 4.** (1) Every law enforcement agency shall record
39 and retain the following information:

40 (a) The number of people stopped for traffic
41 violations;

42 (b) Characteristics of race, color, ethnicity, gender,
43 religion and age of anyone stopped for a traffic violation, if the
44 identification of those characteristics is based on the
45 observation and perception of the law enforcement officer
46 responsible for reporting the stop; the information may not be
47 required to be provided by the person stopped;



48 (c) The nature of the alleged traffic violation that
49 resulted in the stop;

50 (d) The outcome of the stop, whether a warning or
51 citation was issued, an arrest was made, or a search was
52 conducted; and

53 (e) Any additional information that may be required by
54 rules and regulations promulgated by the Attorney General.

55 (2) Every law enforcement agency shall transmit promptly to
56 the District Attorney in the local jurisdiction:

57 (a) A copy of each complaint received which alleges
58 racial profiling; and

59 (b) Written notification of the review and disposition
60 of the complaint.

61 (3) Every law enforcement agency shall transmit to the
62 Attorney General an annual report of the information recorded
63 pursuant to this section, in such form as the Attorney General may
64 prescribe. The Attorney General shall compile this information
65 and report it to the Governor and the Legislature, including any
66 observations or recommendations, before January 1 of each year.

67 (4) If a law enforcement agency fails to comply with this
68 section, the Attorney General must order an appropriate penalty in
69 the form of withholding state funds from the law enforcement
70 agency.

71 **SECTION 5.** (1) Before October 1, 2023, the Attorney General
72 shall develop and distribute the following two (2) forms:



73 (a) A form, in both printed and electronic format, to
74 be used by law enforcement officers during a traffic stop to
75 record personal information about the operator of the motor
76 vehicle stopped, the location of the stop, the reason for the
77 stop, and other information required by this act.

78 (b) A form, in both printed and electronic format, to
79 be used to report complaints by people who believe they were
80 subjected to a motor vehicle stop by a law enforcement officer
81 solely on the basis of their actual or perceived race, color,
82 ethnicity, national origin, age, gender or sexual orientation.

83 (2) If all the information required by this section is
84 captured by a law enforcement agency's systems and transmitted to
85 the Attorney General in a manner that the Attorney General deems
86 appropriate, separate forms are not required to be used by that
87 law enforcement agency.

88 **SECTION 6.** This act may not be interpreted to require state
89 or local government officials to take any action that violates
90 federal law. The provisions of this act are severable, and if any
91 phrase, clause, sentence or provision is declared to be invalid or
92 is preempted by federal law or regulation, the validity of the
93 remainder of this act is not affected.

94 **SECTION 7.** This act shall take effect and be in force from
95 and after July 1, 2023.

