By: Senator(s) England

To: Judiciary, Division B

SENATE BILL NO. 2420
(As Passed the Senate)

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

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

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

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

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

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

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

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

SECTION 2. (1) The department shall post a publicly accessible registry online of all offenders by July 1, 2024.

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

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

(3) (a) No offender shall be removed from the registry unless and until all fines, penalties and restitution resulting from conviction have been paid and proof of same provided to the department.

(b) If the offender is not convicted of another registrable offense while listed and if all fines, penalties and restitution have been paid, the department shall remove the offender's information from the list after either five (5) years from the date of the offender's conviction or five (5) years from the date of an offender's release from physical incarceration, whichever is later.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8. This act shall take effect and be in force from and after July 1, 2023.