

By: Representative Osborne

To: Judiciary B

HOUSE BILL NO. 290

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) The Attorney General shall develop and  
72 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, 2024.

