

By: Representative Yancey

To: State Affairs;  
Appropriations A

HOUSE BILL NO. 1211

1 AN ACT TO BRING FORWARD SECTION 45-27-9, MISSISSIPPI CODE OF  
2 1972, WHICH REGULATES CRIMINAL JUSTICE AGENCIES, FOR PURPOSES OF  
3 AMENDMENT; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 45-27-9, Mississippi Code of 1972, is  
6 brought forward as follows:

7 45-27-9. (1) All criminal justice agencies within the state  
8 shall submit to the center an arrest card that will transmit  
9 fingerprints, descriptions, photographs (when specifically  
10 requested), and other identifying data on persons who have been  
11 lawfully arrested or taken into custody in this state for all  
12 felonies and misdemeanors as described in Section 45-27-7(2)(a).  
13 It shall be the duty of all chiefs of police, sheriffs, district  
14 attorneys, courts, court clerks, judges, parole and probation  
15 officers, wardens or other persons in charge of correctional  
16 institutions in this state to furnish the center with all data  
17 required by the rules duly promulgated under the Administrative  
18 Procedures Act to carry out its responsibilities under this



19 chapter, and the duty of courts and court clerks to submit a  
20 disposition form for every disposition. It shall be the duty of  
21 all criminal justice agencies within the state to supply the  
22 prosecutor and the proper court with the disposition form that is  
23 attached to the physical arrest card if fingerprints were taken  
24 manually or, if fingerprints were captured digitally, the  
25 disposition form generated by the electronic fingerprint device at  
26 the time of the arrest. The PEER committee may conduct random  
27 review of the records of any agency or clerks referenced in this  
28 subsection (1) to determine whether the duties of such agencies  
29 and clerks are being fulfilled in a timely manner. The PEER  
30 committee, based on its findings, if any, shall recommend measures  
31 to ensure that the duties are more effectively carried out in a  
32 timely manner.

33 (2) (a) All persons in charge of law enforcement agencies  
34 shall obtain, or cause to be obtained, fingerprints according to  
35 the fingerprint system of identification established by the  
36 Director of the Federal Bureau of Investigation, full face and  
37 profile photographs (if equipment is available) and other  
38 available identifying data, of each person arrested or taken into  
39 custody for an offense of a type designated in subsection (1) of  
40 this section, of all persons arrested or taken into custody as  
41 fugitives from justice and of all unidentified human corpses in  
42 their jurisdictions, but photographs need not be taken if it is  
43 known that photographs of the type listed, taken within the



44 previous year, are on file. Any record taken in connection with  
45 any person arrested or taken into custody and subsequently  
46 released without charge or cleared of the offense through court  
47 proceedings shall be purged from the files of the center and  
48 destroyed upon receipt by the center of a lawful expunction order.  
49 All persons in charge of law enforcement agencies shall submit to  
50 the center detailed descriptions of arrests or takings into  
51 custody which result in release without charge or subsequent  
52 exoneration from criminal liability within twenty-four (24) hours  
53 of the release or exoneration.

54 (b) The center will work to secure grant funds to  
55 purchase live scan equipment to be utilized throughout the state.  
56 All law enforcement agencies shall utilize any live scan equipment  
57 provided by the center to ensure the most accurate collection of  
58 fingerprints. The center shall coordinate the use of the  
59 equipment with federal, state, county and municipal law  
60 enforcement agencies.

61 (3) Fingerprints and other identifying data required to be  
62 taken under subsection (2) shall be forwarded within twenty-four  
63 (24) hours after taking for filing and classification, but the  
64 period of twenty-four (24) hours may be extended to cover any  
65 intervening holiday or weekend. Photographs taken shall be  
66 forwarded at the discretion of the agency concerned, but, if not  
67 forwarded, the fingerprint record shall be marked "Photo



68 Available" and the photographs shall be forwarded subsequently if  
69 the center so requests.

70 (4) All persons in charge of law enforcement agencies shall  
71 submit to the center detailed descriptions of arrest warrants and  
72 related identifying data immediately upon determination of the  
73 fact that the warrant cannot be served for the reasons stated. If  
74 the warrant is subsequently served or withdrawn, the law  
75 enforcement agency concerned must immediately notify the center of  
76 the service or withdrawal. Also, the agency concerned must  
77 annually, no later than January 31 of each year and at other times  
78 if requested by the center, confirm all arrest warrants which  
79 continue to be outstanding. Upon receipt of a lawful expunction  
80 order, the center shall purge and destroy files of all data  
81 relating to an offense when an individual is subsequently  
82 exonerated from criminal liability of that offense. The center  
83 shall not be liable for the failure to purge, destroy or expunge  
84 any records if an agency or court fails to forward to the center  
85 proper documentation ordering the action.

86 (5) All persons in charge of state correctional institutions  
87 shall obtain fingerprints, according to the fingerprint system of  
88 identification established by the Director of the Federal Bureau  
89 of Investigation or as otherwise directed by the center, and full  
90 face and profile photographs of all persons received on commitment  
91 to the institutions. The prints so taken shall be forwarded to  
92 the center, together with any other identifying data requested,



93 within ten (10) days after the arrival at the institution of the  
94 person committed. At the time of release, the institution will  
95 again obtain fingerprints, as before, and forward them to the  
96 center within ten (10) days, along with any other related  
97 information requested by the center. The institution shall notify  
98 the center immediately upon the release of the person.

99 (6) All persons in charge of law enforcement agencies, all  
100 court clerks, all municipal justices where they have no clerks,  
101 all justice court judges and all persons in charge of state and  
102 county probation and parole offices, shall supply the center with  
103 the information described in subsections (4) and (10) of this  
104 section on the basis of the forms and instructions for the  
105 disposition form to be supplied by the center.

106 (7) All persons in charge of law enforcement agencies in  
107 this state shall furnish the center with any other identifying  
108 data required in accordance with guidelines established by the  
109 center. All law enforcement agencies and correctional  
110 institutions in this state having criminal identification files  
111 shall cooperate in providing the center with copies of the items  
112 in the files which will aid in establishing the nucleus of the  
113 state criminal identification file.

114 (8) All law enforcement agencies within the state shall  
115 report to the center, in a manner prescribed by the center, all  
116 persons wanted by and all vehicles and identifiable property  
117 stolen from their jurisdictions. The report shall be made as soon



118 as is practical after the investigating department or agency  
119 either ascertains that a vehicle or identifiable property has been  
120 stolen or obtains a warrant for an individual's arrest or  
121 determines that there are reasonable grounds to believe that the  
122 individual has committed a crime. The report shall be made within  
123 a reasonable time period following the reporting department's or  
124 agency's determination that it has grounds to believe that a  
125 vehicle or property was stolen or that the wanted person should be  
126 arrested.

127 (9) All law enforcement agencies in the state shall  
128 immediately notify the center if at any time after making a report  
129 as required by subsection (8) of this section it is determined by  
130 the reporting department or agency that a person is no longer  
131 wanted or that a vehicle or property stolen has been recovered.  
132 Furthermore, if the agency making the apprehension or recovery is  
133 not the one which made the original report, then it shall  
134 immediately notify the originating agency of the full particulars  
135 relating to the apprehension or recovery using methods prescribed  
136 by the center.

137 (10) All law enforcement agencies in the state and clerks of  
138 the various courts shall promptly report to the center all  
139 instances where records of convictions of criminals are ordered  
140 expunged by courts of this state as now provided by law. The  
141 center shall promptly expunge from the files of the center and



142 destroy all records pertaining to any convictions that are ordered  
143 expunged by the courts of this state as provided by law.

144 (11) The center shall not be held liable for the failure to  
145 purge, destroy or expunge records if an agency or court fails to  
146 forward to the center proper documentation ordering the action.

147 (12) Any criminal justice department or agency making an  
148 expenditure in excess of Five Thousand Dollars (\$5,000.00) in any  
149 calendar year on software or programming upgrades concerning a  
150 computerized records management system or jail management system  
151 shall ensure that the new or upgraded system is formatted to  
152 Department of Justice approved XML format and that no impediments  
153 to data sharing with other agencies or departments exist in the  
154 software programming.

155 (13) (a) All law enforcement agencies within the state  
156 shall:

157 (i) Implement an incident-based reporting system  
158 within the agency or department that meets the reporting  
159 requirements of the National Incident-Based Reporting System  
160 (NIBRS) of the Uniform Crime Reporting Program of the Federal  
161 Bureau of Investigation;

162 (ii) Use the system described by subparagraph (i)  
163 to submit to the center information and statistics concerning  
164 criminal offenses committed in the jurisdiction of the local law  
165 enforcement agency, in a manner prescribed by the center; and



166 (iii) Report the information as soon as is  
167 practicable after the investigating agency or department  
168 ascertains that a qualifying crime has been committed in its  
169 jurisdiction, once the state-level NIBRS Repository is available.

170 (b) No later than December 31, 2025, state and local  
171 law enforcement agencies shall be compliant with all regulations  
172 promulgated by the Department of Public Safety's Criminal  
173 Information Center (CIC), with consultation with the President of  
174 the Sheriffs Association and Mississippi Association of Chiefs of  
175 Police with regard to the National Incident-Based Reporting System  
176 (NIBRS) of the Uniform Crime Reporting Program of the Federal  
177 Bureau of Investigation.

178 **SECTION 2.** This act shall take effect and be in force from  
179 and after July 1, 2024.

