

By: Representative Shanks

To: Judiciary B;
Appropriations A

HOUSE BILL NO. 1557

1 AN ACT TO CREATE NEW SECTION 45-39-19, MISSISSIPPI CODE OF
 2 1972, TO ESTABLISH CERTAIN FINANCIAL AND REPORTING REQUIREMENTS
 3 FOR LOCAL CRIME STOPPERS PROGRAMS; TO AMEND SECTION 45-39-3,
 4 MISSISSIPPI CODE OF 1972, TO CLARIFY TERMS OF OFFICE OF MEMBERS OF
 5 THE CRIME STOPPERS ADVISORY COUNCIL WITHIN THE DEPARTMENT OF
 6 PUBLIC SAFETY; TO AMEND SECTION 45-39-5, MISSISSIPPI CODE OF 1972,
 7 TO DESIGNATE THE COMMISSIONER OF PUBLIC SAFETY AS THE DIRECTOR OF
 8 THE ADVISORY COUNCIL; TO AMEND SECTION 45-39-7, MISSISSIPPI CODE
 9 OF 1972, TO DECLARE RECORDS OF THE DEPARTMENT OF PUBLIC SAFETY
 10 RELATING TO REPORTS OF CRIMINAL ACTS THAT ARE CONFIDENTIAL AND NOT
 11 DISCOVERABLE UNLESS THE RECORDS CONTAIN EXCULPATORY EVIDENCE, AND
 12 TO EXEMPT SUCH RECORDS FROM THE MISSISSIPPI PUBLIC RECORDS ACT OF
 13 1983; TO AMEND SECTION 45-39-11, MISSISSIPPI CODE OF 1972, TO
 14 REQUIRE THE TOLL-FREE TELEPHONE SERVICE FOR REPORTING CRIMINAL
 15 ACTS TO BE OPERATED CONTINUOUSLY ON A STATEWIDE BASIS; TO AMEND
 16 SECTION 45-39-17, MISSISSIPPI CODE OF 1972, TO REQUIRE LOCAL
 17 SURCHARGES ASSESSED BY COUNTIES AND MUNICIPALITIES IN SUPPORT OF
 18 CRIME STOPPERS PROGRAMS TO BE DEPOSITED INTO THE STATE CRIME
 19 STOPPERS FUND FOR DISBURSEMENT BACK TO PARTICIPATING COUNTIES AND
 20 MUNICIPALITIES; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** The following shall be codified as Section
 23 45-39-19, Mississippi Code of 1972:

24 45-39-19. A local crime stoppers program must meet the
 25 following requirements:

26 (a) Receipt of a 501(c)(3) determination letter from
 27 the United States Internal Revenue Service;



28 (b) Annual submission to the Department of Public
29 Safety of proof of compliance with federal requirements for
30 maintaining the program's status as a nonprofit entity; and

31 (c) Submission of audited financial statements to the
32 Department of Public Safety every two (2) years.

33 **SECTION 2.** Section 45-39-3, Mississippi Code of 1972, is
34 amended as follows:

35 45-39-3. There is * * * created within the Department of
36 Public Safety the Crime Stoppers Advisory Council. The council
37 shall be composed of five (5) persons appointed by the Governor
38 with the advice and consent of the Senate. At least three (3) of
39 the foregoing appointees shall be persons who have participated in
40 a local crime stoppers program. Each member of the council shall
41 serve for a term of two (2) years * * *. At * * * the first
42 meeting after the beginning of each new state fiscal year, the
43 council shall elect from among its members a chairman * * *. Each
44 member of the council shall receive per diem in the amount
45 established in Section 25-3-69 * * * for each day or portion
46 thereof spent discharging his duties under this chapter and shall
47 receive mileage and expenses as provided in Section 25-3-41 * * *.

48 Expenses of the council shall be paid by the Department of
49 Public Safety out of the State Crime Stoppers Fund * * * created
50 in Section 45-39-5(4).

51 **SECTION 3.** Section 45-39-5, Mississippi Code of 1972, is
52 amended as follows:



53 45-39-5. (1) The * * * Commissioner of Public Safety * * *
54 shall serve as the Director of the Crime Stoppers Advisory
55 Council. The Department of Public Safety shall adopt regulations
56 establishing the authority and responsibilities of the director.

57 (2) The council shall:

58 (a) * * * Encourage and assist in the creation of local
59 crime stoppers programs;

60 (b) Foster the detection of crime and encourage persons
61 to report information about criminal acts;

62 (c) Encourage news and other media to promote local
63 crime stoppers programs and to inform the public of the functions
64 of the council;

65 (d) Assist local crime stoppers programs in forwarding
66 information about criminal acts to the appropriate law enforcement
67 agencies; and

68 (e) Help law enforcement agencies detect and combat
69 crime by increasing the flow of information to and between law
70 enforcement agencies.

71 (3) The * * * department may adopt rules to * * * assist the
72 council in carrying out its duties under this chapter.

73 (4) The assessments collected under subsection (5) of
74 Section 99-19-73, * * * and any other funds as may be made
75 available through contributions from private or public sources,
76 shall be deposited in a * * * fund that is * * * created in the
77 State Treasury and designated the State Crime Stoppers Fund.



78 Monies deposited in the fund shall be expended by the Department
79 of Public Safety, with the advice of the council, pursuant to
80 appropriation therefor by the Legislature, for the authorized
81 purposes of the State Crime Stoppers Program established under
82 this chapter, including, but not limited to, providing reward
83 monies for individuals who legitimately report crime activity.
84 Any such funds paid to such individuals shall be kept confidential
85 by the council, and any audit of the fund and the expenditures of
86 the council shall provide for the confidentiality of any
87 expenditures to such individuals. The Department of Public Safety
88 shall have the authority to accept, budget and expend for any
89 proper expenses of the Crime Stoppers Advisory Council any special
90 source funds made available to the Crime Stoppers Program, subject
91 to the approval of the Department of Finance and Administration
92 and in accordance with procedures for federal fund escalations as
93 established in Section 27-104-21.

94 (5) The * * * Department of Public Safety shall * * *
95 require audited financial statement reporting from any local crime
96 stoppers program receiving any type of public funding, including,
97 but not limited to, surcharges, assessments, fees or other funds
98 paid directly to a local crime stoppers program by a municipal or
99 county agency * * *.

100 **SECTION 4.** Section 45-39-7, Mississippi Code of 1972, is
101 amended as follows:



102 45-39-7. (1) Council and the Department of Public Safety
103 records relating to reports of criminal acts are confidential and
104 exempt from the Mississippi Public Records Act of 1983.

105 (2) Evidence of a communication between a person submitting
106 a report of a criminal act to the council or a local crime
107 stoppers program and the person who accepted the report on behalf
108 of the council or local crime stoppers program is not admissible
109 in a court or an administrative proceeding whether the evidence is
110 held by the council or a local crime stoppers program or is held
111 by a telecommunication service provider.

112 (3) Records of the council, the Department of Public Safety,
113 or a local crime stoppers program concerning a report of criminal
114 activity and records of a telecommunication service provider
115 relating to a report made to the council or to a local crime
116 stoppers program may not be compelled to be produced before a
117 court or other tribunal except on the motion of a criminal
118 defendant to the court in which the offense is being tried that
119 the records or report contain evidence that is exculpatory to the
120 defendant in the trial of that offense. On motion of a defendant
121 under this subsection, the court may subpoena the records or
122 report. The court shall conduct an in-camera inspection of
123 materials produced under subpoena to determine whether the
124 materials contain evidence that is exculpatory to the defendant.
125 If the court determines that the materials produced contain
126 evidence that is exculpatory to the defendant, the court shall



127 present the evidence to the defendant in a form that does not
128 disclose the identity of the person who was the source of the
129 evidence, unless the state or federal Constitution requires the
130 disclosure of that person's identity. The court shall execute an
131 affidavit accompanying the disclosed materials swearing that, in
132 the opinion of the court, the materials disclosed represent the
133 exculpatory evidence the defendant is entitled to receive under
134 this section. The court shall return to the council, Department
135 of Public Safety, or * * * local crime stoppers program materials
136 that are produced under this section but not disclosed to the
137 defendant. The council, Department of Public Safety, or local
138 crime stoppers program shall store the materials until the
139 conclusion of the criminal trial and the expiration of the time
140 for all direct appeals in the case.

141 **SECTION 5.** Section 45-39-11, Mississippi Code of 1972, is
142 amended as follows:

143 45-39-11. The council shall establish and operate a
144 statewide toll-free telephone service * * * for reporting to the
145 council information about criminal acts * * * twenty-four (24)
146 hours per day, seven (7) days per week. The council shall forward
147 the information received to appropriate law enforcement agencies
148 or local crime stoppers programs.

149 **SECTION 6.** Section 45-39-17, Mississippi Code of 1972, is
150 amended as follows:



151 45-39-17. In addition to any other monetary penalties and
152 other penalties imposed by law, any county or municipality, by
153 ordinance, may assess an additional surcharge in an amount not to
154 exceed Two Dollars (\$2.00) on each person upon whom a county,
155 justice or municipal court imposes a fine or other penalty for any
156 misdemeanor other than offenses relating to vehicular parking or
157 registration if there is established, to the benefit of the
158 citizens of the county or municipality, a local Crime Stoppers
159 Program which is not authorized to receive funds under local and
160 private legislation. The proceeds from the surcharge may be
161 used * * * only to fund that county's or municipality's support of
162 the local Crime Stoppers Program as authorized by Section
163 45-39-15 * * *. The proceeds from the surcharge imposed by this
164 section shall be deposited into * * * the State Crime Stoppers
165 Fund. The Department of Public Safety shall promulgate rules and
166 procedures relating to the administration of the * * * fund and
167 the disbursement of monies in the fund to participating counties
168 and municipalities. The maximum amount that a county or
169 municipality may receive from the * * * fund shall be an amount
170 equal to the deposits made into the fund by that entity, less one
171 percent (1%) to be retained by the * * * Department of Public
172 Safety to defray the costs of administering the * * * fund.
173 Interest earned on the * * * fund shall remain in the fund and
174 shall be used by the * * * Department of Public Safety to further
175 defray the costs of administering the * * * fund.



176 **SECTION 7.** This act shall take effect and be in force from
177 and after July 1, 2024.

