

By: Representatives Karriem, Wallace,
Shanks, Summers, Thompson, Mickens, Faulkner,
Denton

To: Constitution

HOUSE BILL NO. 1609

1 AN ACT TO AMEND SECTION 23-15-11, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A PERSON WHO IS OTHERWISE A QUALIFIED ELECTOR AND
3 HAS BEEN CONVICTED OF CERTAIN DISENFRANCHISING CRIMES, EXCEPT FOR
4 ARSON, ARMED ROBBERY, CARJACKING, EMBEZZLEMENT, MURDER, RAPE, OR
5 STATUTORY RAPE, SHALL HAVE HIS OR HER RIGHT TO VOTE REVOKED, BUT
6 SHALL HAVE THE RIGHT TO VOTE AUTOMATICALLY RESTORED AFTER HE OR
7 SHE HAS SATISFIED ALL OF THE SENTENCING REQUIREMENTS OF THE
8 CONVICTION; TO AMEND SECTIONS 23-15-19, 23-15-125, 23-15-151,
9 23-15-153 AND 23-15-165, MISSISSIPPI CODE OF 1972, TO CONFORM TO
10 THE PRECEDING SECTION; TO BRING FORWARD SECTIONS 97-39-3 AND
11 99-19-37, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
12 AMENDMENT; TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972, TO
13 PROVIDE THAT ANY PERSON WHO IS A UNITED STATES CITIZEN, WHO HAS
14 BEEN CONVICTED OF CERTAIN FELONIES SHALL BE ELIGIBLE TO HAVE HIS
15 OR HER RECORD AUTOMATICALLY EXPUNGED FIVE YEARS AFTER COMPLETION
16 OF ALL TERMS AND CONDITIONS OF SUCH CONVICTION; TO AMEND SECTIONS
17 45-27-7, 45-27-21 AND 45-34-3, MISSISSIPPI CODE OF 1972, TO
18 REQUIRE THAT THE CIRCUIT CLERK, UPON THE ENTERING OF AN ORDER OF
19 EXPUNCTION, FORWARD A CERTIFIED COPY OF SUCH ORDER TO THE
20 MISSISSIPPI CRIMINAL INFORMATION CENTER AT THE MISSISSIPPI
21 DEPARTMENT OF PUBLIC SAFETY; TO REQUIRE THE DEPARTMENT OF PUBLIC
22 SAFETY TO REMOVE SUCH PERSON'S CRIMINAL HISTORY RECORD
23 INFORMATION, CONVICTION INFORMATION, AND DISPOSITION FORM FROM THE
24 MISSISSIPPI CENTRAL CRIMINAL DATABASE WITHIN FORTY-FIVE DAYS OF
25 RECEIVING A CERTIFIED COPY OF SUCH ORDER OF EXPUNCTION; TO AMEND
26 SECTION 97-37-5, MISSISSIPPI CODE OF 1972, TO PROVIDE AN EXCEPTION
27 TO THE FIREARMS PROHIBITION FOR PERSONS WHO RECEIVE AN ORDER OF
28 EXPUNCTION; TO BRING FORWARD SECTIONS 45-1-45, 45-27-9, 45-27-11
29 AND 45-34-5, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
30 AMENDMENT; AND FOR RELATED PURPOSES.

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



32 **SECTION 1.** Section 23-15-11, Mississippi Code of 1972, is
33 amended as follows:

34 23-15-11. (1) Except as otherwise provided in subsection
35 (2) of this section, every inhabitant of this state, except
36 persons adjudicated to be non compos mentis, shall be a qualified
37 elector in and for the county, municipality and voting precinct of
38 his or her residence and shall be entitled to vote at any election
39 upon compliance with Section 23-15-563, if he or she is:

40 (a) * * * A citizen of the United States of
41 America * * *;

42 (b) Eighteen (18) years old and upwards * * *;

43 (c) * * * A resident in this state for thirty (30) days
44 and for thirty (30) days in the county in which he or she seeks to
45 vote, and for thirty (30) days in the incorporated municipality in
46 which he or she seeks to vote * * *;

47 (d) * * * Duly registered as an elector under Section
48 23-15-33 * * *; and

49 (e) * * * Never * * * convicted of arson, armed robbery,
50 carjacking, embezzlement, if the value and/or amount involved is
51 Five Thousand Dollars (\$5,000.00) or more, murder, rape, statutory
52 rape, or vote fraud * * *.

53 If the thirtieth day to register before an election falls on
54 a Sunday or legal holiday, the registration applications submitted
55 on the business day immediately following the Sunday or legal
56 holiday shall be accepted and entered in the Statewide Elections



57 Management System for the purpose of enabling voters to vote in
58 the next election.

59 (2) A person who is otherwise a qualified elector under the
60 provisions of subsection (1) of this section, and has been
61 convicted of bribery, theft, obtaining money or goods under false
62 pretense, perjury, forgery, bigamy, or any crime interpreted as
63 disenfranchising in later Attorney General opinions, except for
64 arson, armed robbery, carjacking, embezzlement, if the value
65 and/or amount involved is Five Thousand Dollars (\$5,000.00) or
66 more, murder, rape, or statutory rape, shall have his or her right
67 to vote revoked upon conviction, but shall have his or her right
68 to vote automatically restored after he or she has satisfied all
69 of the sentencing requirements of such conviction.

70 (3) Any person who will be eighteen (18) years of age or
71 older on or before the date of the general election and who is
72 duly registered to vote not less than thirty (30) days before the
73 primary election associated with the general election, may vote in
74 the primary election even though the person has not reached his or
75 her eighteenth birthday at the time that the person seeks to vote
76 at the primary election.

77 (4) No others than those specified in this section shall be
78 entitled, or shall be allowed, to vote at any election.

79 **SECTION 2.** Section 23-15-19, Mississippi Code of 1972, is
80 amended as follows:



81 23-15-19. Any person who has been convicted of * * * any
82 crime listed in Section 241, Mississippi Constitution of 1890
83 * * *, or any crime interpreted as disenfranchising in later
84 Attorney General opinions, except for arson, armed robbery,
85 carjacking, embezzlement, if the value and/or amount involved is
86 Five Thousand Dollars (\$5,000.00) or more, murder, rape, or
87 statutory rape, shall * * * have his or her right to vote revoked
88 upon conviction, but shall have his or her right to vote
89 automatically restored once he or she has satisfied all of the
90 sentencing requirements of such conviction. Whenever any person
91 shall be convicted in the circuit court of his or her county of a
92 disenfranchising crime, the county registrar shall * * * remove
93 his or her name from the Statewide Elections Management System
94 until the person has satisfied all of the sentencing requirements
95 of such conviction; and whenever any person shall be convicted of
96 a disenfranchising crime in any other court of any county, the
97 presiding judge of the court shall, on demand, certify the fact in
98 writing to the registrar of the county in which the voter resides,
99 who shall * * * remove the name of the person from the Statewide
100 Elections Management System until he or she has satisfied all of
101 the sentencing requirements of such conviction and retain the
102 certificate as a record of his or her office.

103 **SECTION 3.** Section 23-15-125, Mississippi Code of 1972, is
104 amended as follows:



105 23-15-125. The pollbook of each voting precinct shall
106 designate the voting precinct for which it is to be used, and
107 shall be ruled in appropriate columns, with printed or written
108 headings, as follows: date of registration; voter registration
109 number; name of electors; date of birth; and a number of blank
110 columns for the dates of elections. All qualified applicants who
111 register with the registrar shall be entered in the Statewide
112 Elections Management System. Only the names of those qualified
113 applicants who register within thirty (30) days before an election
114 shall appear on the pollbooks of the election; however, if the
115 thirtieth day to register before an election falls on a Sunday or
116 legal holiday, the registration applications submitted on the
117 business day immediately following the legal holiday shall be
118 accepted and entered in the Statewide Elections Management System
119 for the purpose of enabling voters to vote in the next election.
120 When county election commissioners determine that any elector is
121 disqualified from voting, by reason of death, conviction of
122 a * * * disenfranchising crime, removal from the jurisdiction,
123 failure to comply with the provisions of Section 23-15-152, or
124 other legal cause, that fact shall be noted in the Statewide
125 Elections Management System and the voter's name shall be purged
126 from the Statewide Elections Management System, the state's voter
127 roll and the county's pollbooks. Nothing in this section shall
128 preclude the use of electronic pollbooks. A person who is
129 otherwise a qualified elector under the provisions of Section



130 23-15-11 and has been convicted of bribery, theft, obtaining money
131 or goods under false pretense, perjury, forgery, bigamy, or any
132 crime interpreted as disenfranchising in later Attorney General
133 opinions, with the exception of arson, armed robbery, carjacking,
134 embezzlement, if the value and/or amount involved is Five Thousand
135 Dollars (\$5,000.00) or more, murder, rape, or statutory rape,
136 shall have his or her right to vote revoked upon conviction, but
137 shall have his or her right to vote automatically restored after
138 he or she has satisfied all of the sentencing requirements of such
139 conviction. After the person has satisfied all of the sentencing
140 requirements of the conviction, the voter's name shall be
141 automatically restored into the Statewide Elections Management
142 System, the state's voter roll and the county's pollbooks.

143 **SECTION 4.** Section 23-15-151, Mississippi Code of 1972, is
144 amended as follows:

145 23-15-151. The circuit clerk of each county is authorized
146 and directed to prepare and keep in his or her office a full and
147 complete list, in alphabetical order, of persons convicted of
148 voter fraud or of any crime listed in Section 241, Mississippi
149 Constitution of 1890, or any crime interpreted as disenfranchising
150 in later Attorney General opinions, whose right to vote has been
151 revoked upon his or her conviction. A certified copy of any
152 enrollment by one (1) clerk to another will be sufficient
153 authority for the enrollment of the name, or names, in another
154 county. A list of persons convicted of voter fraud, any crime



155 listed in Section 241, Mississippi Constitution of 1890, or any
156 crime interpreted as disenfranchising in later Attorney General
157 opinions, shall also be entered into the Statewide Elections
158 Management System on a quarterly basis. * * * A person who is
159 otherwise a qualified elector under the provisions of Section
160 23-15-11 and has been convicted of voter fraud, any crime listed
161 in Section 241, Mississippi Constitution of 1890, or any crime
162 interpreted as disenfranchising in later Attorney General
163 opinions, with the exception of arson, armed robbery, carjacking,
164 embezzlement, if the value and/or amount involved is Five Thousand
165 Dollars (\$5,000.00) or more, murder, rape, or statutory rape,
166 shall have his or her right to vote revoked upon conviction, but
167 shall have his or her right to vote automatically restored after
168 he or she has satisfied all of the sentencing requirements of the
169 conviction. After the person has satisfied all of the sentencing
170 requirements of the conviction, the voter's name shall be
171 automatically restored into the Statewide Elections Management
172 System, the state's voter roll and the county's pollbooks.

173 **SECTION 5.** Section 23-15-153, Mississippi Code of 1972, is
174 amended as follows:

175 23-15-153. (1) At least during the following times, the
176 election commissioners shall meet at the office of the registrar
177 or the office of the election commissioners to carefully revise
178 the county voter roll as electronically maintained by the
179 Statewide Elections Management System and remove from the roll the



180 names of all voters who have requested to be purged from the voter
181 roll, died, received an adjudication of non compos mentis, been
182 convicted of a disenfranchising crime and had his or her right to
183 vote revoked because of such conviction, failed to comply with the
184 provisions of Section 23-15-152, or otherwise become disqualified
185 as electors for any cause, and shall register the names of all
186 persons who have duly applied to be registered but have been
187 illegally denied registration:

188 (a) On the Tuesday after the second Monday in January
189 1987 and every following year;

190 (b) On the first Tuesday in the month immediately
191 preceding the first primary election for members of Congress in
192 the years when members of Congress are elected;

193 (c) On the first Monday in the month immediately
194 preceding the first primary election for state, state district
195 legislative, county and county district offices in the years in
196 which those offices are elected; and

197 (d) On the second Monday of September preceding the
198 general election or regular special election day in years in which
199 a general election is not conducted.

200 Except for the names of those voters who are duly qualified
201 to vote in the election, no name shall be permitted to remain in
202 the Statewide Elections Management System; however, no name shall
203 be purged from the Statewide Elections Management System based on
204 a change in the residence of an elector except in accordance with



205 procedures provided for by the National Voter Registration Act of
206 1993 and as provided in Section 23-15-152. Except as otherwise
207 provided by Section 23-15-573, no person shall vote at any
208 election whose name is not in the county voter roll electronically
209 maintained by the Statewide Elections Management System.

210 (2) Except as provided in this section, and subject to the
211 following annual limitations, the election commissioners shall be
212 entitled to receive a per diem in the amount of One Hundred Ten
213 Dollars (\$110.00), to be paid from the county general fund, for
214 every day or period of no less than five (5) hours accumulated
215 over two (2) or more days actually employed in the performance of
216 their duties in the conduct of an election or actually employed in
217 the performance of their duties for the necessary time spent in
218 the revision of the county voter roll as electronically maintained
219 by the Statewide Elections Management System as required in
220 subsection (1) of this section:

221 (a) In counties having less than fifteen thousand
222 (15,000) residents according to the latest federal decennial
223 census, not more than fifty (50) days per year, with no more than
224 fifteen (15) additional days allowed for the conduct of each
225 election in excess of one (1) occurring in any calendar year;

226 (b) In counties having fifteen thousand (15,000)
227 residents according to the latest federal decennial census but
228 less than thirty thousand (30,000) residents according to the
229 latest federal decennial census, not more than seventy-five (75)



230 days per year, with no more than twenty-five (25) additional days
231 allowed for the conduct of each election in excess of one (1)
232 occurring in any calendar year;

233 (c) In counties having thirty thousand (30,000)
234 residents according to the latest federal decennial census but
235 less than seventy thousand (70,000) residents according to the
236 latest federal decennial census, not more than one hundred (100)
237 days per year, with no more than thirty-five (35) additional days
238 allowed for the conduct of each election in excess of one (1)
239 occurring in any calendar year;

240 (d) In counties having seventy thousand (70,000)
241 residents according to the latest federal decennial census but
242 less than ninety thousand (90,000) residents according to the
243 latest federal decennial census, not more than one hundred
244 twenty-five (125) days per year, with no more than forty-five (45)
245 additional days allowed for the conduct of each election in excess
246 of one (1) occurring in any calendar year;

247 (e) In counties having ninety thousand (90,000)
248 residents according to the latest federal decennial census but
249 less than one hundred seventy thousand (170,000) residents
250 according to the latest federal decennial census, not more than
251 one hundred fifty (150) days per year, with no more than
252 fifty-five (55) additional days allowed for the conduct of each
253 election in excess of one (1) occurring in any calendar year;



254 (f) In counties having one hundred seventy thousand
255 (170,000) residents according to the latest federal decennial
256 census but less than two hundred thousand (200,000) residents
257 according to the latest federal decennial census, not more than
258 one hundred seventy-five (175) days per year, with no more than
259 sixty-five (65) additional days allowed for the conduct of each
260 election in excess of one (1) occurring in any calendar year;

261 (g) In counties having two hundred thousand (200,000)
262 residents according to the latest federal decennial census but
263 less than two hundred twenty-five thousand (225,000) residents
264 according to the latest federal decennial census, not more than
265 one hundred ninety (190) days per year, with no more than
266 seventy-five (75) additional days allowed for the conduct of each
267 election in excess of one (1) occurring in any calendar year;

268 (h) In counties having two hundred twenty-five thousand
269 (225,000) residents according to the latest federal decennial
270 census but less than two hundred fifty thousand (250,000)
271 residents according to the latest federal decennial census, not
272 more than two hundred fifteen (215) days per year, with no more
273 than eighty-five (85) additional days allowed for the conduct of
274 each election in excess of one (1) occurring in any calendar year;

275 (i) In counties having two hundred fifty thousand
276 (250,000) residents according to the latest federal decennial
277 census but less than two hundred seventy-five thousand (275,000)
278 residents according to the latest federal decennial census, not



279 more than two hundred thirty (230) days per year, with no more
280 than ninety-five (95) additional days allowed for the conduct of
281 each election in excess of one (1) occurring in any calendar year;

282 (j) In counties having two hundred seventy-five
283 thousand (275,000) residents according to the latest federal
284 decennial census or more, not more than two hundred forty (240)
285 days per year, with no more than one hundred five (105) additional
286 days allowed for the conduct of each election in excess of one (1)
287 occurring in any calendar year.

288 (3) In addition to the number of days authorized in
289 subsection (2) of this section, the board of supervisors of a
290 county may authorize, in its discretion, the election
291 commissioners to receive a per diem in the amount provided for in
292 subsection (2) of this section, to be paid from the county general
293 fund, for every day or period of no less than five (5) hours
294 accumulated over two (2) or more days actually employed in the
295 performance of their duties in the conduct of an election or
296 actually employed in the performance of their duties for the
297 necessary time spent in the revision of the county voter roll as
298 electronically maintained by the Statewide Elections Management
299 System as required in subsection (1) of this section, not to
300 exceed five (5) days.

301 (4) (a) The election commissioners shall be entitled to
302 receive a per diem in the amount of One Hundred Ten Dollars
303 (\$110.00), to be paid from the county general fund, not to exceed



304 ten (10) days for every day or period of no less than five (5)
305 hours accumulated over two (2) or more days actually employed in
306 the performance of their duties for the necessary time spent in
307 the revision of the county voter roll as electronically maintained
308 by the Statewide Elections Management System before any special
309 election. For purposes of this paragraph, the regular special
310 election day shall not be considered a special election. The
311 annual limitations set forth in subsection (2) of this section
312 shall not apply to this paragraph.

313 (b) The election commissioners shall be entitled to
314 receive a per diem in the amount of One Hundred Sixty-five Dollars
315 (\$165.00), to be paid from the county general fund, for the
316 performance of their duties on the day of any primary, runoff,
317 general or special election. The annual limitations set forth in
318 subsection (2) of this section shall apply to this paragraph.

319 (5) The election commissioners shall be entitled to receive
320 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to
321 be paid from the county general fund, not to exceed fourteen (14)
322 days for every day or period of no less than five (5) hours
323 accumulated over two (2) or more days actually employed in the
324 performance of their duties for the necessary time spent in the
325 revision of the county voter roll as electronically maintained by
326 the Statewide Elections Management System and in the conduct of a
327 runoff election following either a general or special election.



328 (6) The election commissioners shall be entitled to receive
329 only one (1) per diem payment for those days when the election
330 commissioners discharge more than one (1) duty or responsibility
331 on the same day.

332 (7) The election commissioners shall be entitled to receive
333 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to
334 be paid from the county general fund, not to exceed five (5) days
335 for every day or period of no less than five (5) hours accumulated
336 over two (2) or more days for those days when the election
337 commissioners shall be required to conduct an audit of an election
338 as provided in Section 23-15-615.

339 (8) In preparation for a municipal primary, runoff, general
340 or special election, the county registrar shall generate and
341 distribute the master voter roll and pollbooks from the Statewide
342 Elections Management System for the municipality located within
343 the county. The municipality shall pay the county registrar for
344 the actual cost of preparing and printing the municipal master
345 voter roll pollbooks. A municipality may secure "read only"
346 access to the Statewide Elections Management System and print its
347 own pollbooks using this information.

348 (9) County election commissioners who perform the duties of
349 an executive committee with regard to the conduct of a primary
350 election under a written agreement authorized by law to be entered
351 into with an executive committee shall receive per diem as
352 provided for in subsection (2) of this section. The days that



353 county election commissioners are employed in the conduct of a
354 primary election shall be treated the same as days county election
355 commissioners are employed in the conduct of other elections.

356 (10) In addition to any per diem authorized by this section,
357 any election commissioner shall be entitled to the mileage
358 reimbursement rate allowable to federal employees for the use of a
359 privately owned vehicle while on official travel on election day.

360 (11) Every election commissioner shall sign personally a
361 certification setting forth the number of hours actually worked in
362 the performance of the commissioner's official duties and for
363 which the commissioner seeks compensation. The certification must
364 be on a form as prescribed in this subsection. The commissioner's
365 signature is, as a matter of law, made under the commissioner's
366 oath of office and under penalties of perjury.

367 The certification form shall be as follows:

368 **COUNTY ELECTION COMMISSIONER**

369 **PER DIEM CLAIM FORM**

370 NAME: _____ COUNTY: _____

371 ADDRESS: _____ DISTRICT: _____

372 CITY: _____ ZIP: _____

		PURPOSE	APPLICABLE	ACTUAL	PER DIEM	
DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

376 _____

377 _____



378 _____
 379 TOTAL NUMBER OF PER DIEM DAYS EARNED
 380 EXCLUDING ELECTION DAYS _____
 381 PER DIEM RATE PER DAY EARNED X \$110.00
 382 TOTAL NUMBER PER DIEM DAYS EARNED
 383 FOR ELECTION DAYS _____
 384 PER DIEM RATE PER DAY EARNED X \$165.00
 385 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

386 I understand that I am signing this document under my oath as
 387 an election commissioner and under penalties of perjury.

388 I understand that I am requesting payment from taxpayer funds
 389 and that I have an obligation to be specific and truthful as to
 390 the amount of hours worked and the compensation I am requesting.

391 Signed this the _____ day of _____, ____.
 392 _____

393 Commissioner's Signature

394 When properly completed and signed, the certification must be
 395 filed with the clerk of the county board of supervisors before any
 396 payment may be made. The certification will be a public record
 397 available for inspection and reproduction immediately upon the
 398 oral or written request of any person.

399 Any person may contest the accuracy of the certification in
 400 any respect by notifying the chair of the commission, any member
 401 of the board of supervisors or the clerk of the board of
 402 supervisors of the contest at any time before or after payment is



403 made. If the contest is made before payment is made, no payment
404 shall be made as to the contested certificate until the contest is
405 finally disposed of. The person filing the contest shall be
406 entitled to a full hearing, and the clerk of the board of
407 supervisors shall issue subpoenas upon request of the contestor
408 compelling the attendance of witnesses and production of documents
409 and things. The contestor shall have the right to appeal de novo
410 to the circuit court of the involved county, which appeal must be
411 perfected within thirty (30) days from a final decision of the
412 commission, the clerk of the board of supervisors or the board of
413 supervisors, as the case may be.

414 Any contestor who successfully contests any certification
415 will be awarded all expenses incident to his or her contest,
416 together with reasonable attorney's fees, which will be awarded
417 upon petition to the chancery court of the involved county upon
418 final disposition of the contest before the election commission,
419 board of supervisors, clerk of the board of supervisors, or, in
420 case of an appeal, final disposition by the court. The
421 commissioner against whom the contest is decided shall be liable
422 for the payment of the expenses and attorney's fees, and the
423 county shall be jointly and severally liable for same.

424 (12) Any election commissioner who has not received a
425 certificate issued by the Secretary of State pursuant to Section
426 23-15-211 indicating that the election commissioner has received
427 the required elections seminar instruction and that the election



428 commissioner is fully qualified to conduct an election, shall not
429 receive any compensation authorized by this section or Section
430 23-15-239.

431 **SECTION 6.** Section 23-15-165, Mississippi Code of 1972, is
432 amended as follows:

433 23-15-165. (1) The Office of the Secretary of State, in
434 cooperation with the county registrars and election commissioners,
435 shall procure, implement and maintain an electronic information
436 processing system and programs capable of maintaining a
437 centralized database of all registered voters in the state. The
438 system shall encompass software and hardware, at both the state
439 and county level, software development training, conversion and
440 support and maintenance for the system. The Secretary of State
441 shall equip the Statewide Elections Management System with
442 appropriate security measures to protect private information of
443 the registered voter and the integrity of Mississippi elections.
444 This system shall be known as the "Statewide Elections Management
445 System" and shall constitute the official record of registered
446 voters in every county of the state.

447 (2) The Office of the Secretary of State shall develop and
448 implement the Statewide Elections Management System so that the
449 registrar and election commissioners of each county shall:

450 (a) Verify that an applicant that is registering to
451 vote in that county is not registered to vote in another county;



452 (b) Be notified automatically that a registered voter
453 in its county has registered to vote in another county;

454 (c) Receive regular reports of death, changes of
455 address and convictions for * * * disenfranchising crimes, which
456 cause a voter to have his or her right to vote revoked, that apply
457 to voters registered in the county;

458 (d) Receive regular reports of voters who were not
459 convicted of arson, armed robbery, carjacking, embezzlement, if
460 the value and/or amount involved is Five Thousand Dollars
461 (\$5,000.00) or more, murder, rape, or statutory rape, and have
462 satisfied all of the sentencing requirements of his or her felony
463 conviction described in paragraph (c) of this subsection and
464 automatically restore the voter's name into the Statewide
465 Elections Management System, the state's voter roll and the
466 county's pollbooks;

467 (* * *e) Retain all present functionality related to,
468 but not limited to, the use of voter roll data and to implement
469 such other functionality as the law requires to enhance the
470 maintenance of accurate county voter records and related jury
471 selection and redistricting programs; and

472 (* * *f) When evidence exists that a registered voter
473 may not be a citizen of the United States as provided in Section
474 23-15-15, send notification to the registrar of the location where
475 the person is registered to vote.



476 (3) As a part of the procurement and implementation of the
477 system, the Office of the Secretary of State shall, with the
478 assistance of the advisory committee, procure services necessary
479 to convert current voter registration records in the counties into
480 a standard, industry accepted file format that can be used on the
481 Statewide Elections Management System. Thereafter, all official
482 voter information shall be maintained on the Statewide Elections
483 Management System. The standard industry accepted format of data
484 was reviewed and approved by a majority of the advisory committee
485 created in subsection (5) of this section after consultation with
486 the Circuit Clerks Association and the format may not be changed
487 without consulting the Circuit Clerks Association.

488 (4) The Secretary of State may, with the assistance of the
489 advisory committee, adopt rules and regulations necessary to
490 administer the Statewide Elections Management System. The rules
491 and regulations shall at least:

492 (a) Provide for the establishment and maintenance of a
493 centralized database for all voter registration information in the
494 state;

495 (b) Provide procedures for integrating data into the
496 centralized database;

497 (c) Provide security to ensure that only the registrar,
498 or his or her designee or other appropriate official, as the law
499 may require, can add information to, delete information from and
500 modify information in the system;



501 (d) Provide the registrar or his or her designee or
502 other appropriate official, as the law may require, access to the
503 system at all times, including the ability to download copies of
504 the industry standard file, for all purposes related to their
505 official duties, including, but not limited to, exclusive access
506 for the purpose of printing all local pollbooks;

507 (e) Provide security and protection of all information
508 in the system and monitor the system to ensure that unauthorized
509 access is not allowed;

510 (f) Provide a procedure that will allow the registrar,
511 or his or her designee or other appropriate official, as the law
512 may require, to identify the precinct to which a voter should be
513 assigned; and

514 (g) Provide a procedure for phasing in or converting
515 existing manual and computerized voter registration systems in
516 counties to the Statewide Elections Management System.

517 (5) The Secretary of State established an advisory committee
518 to assist in developing system specifications, procurement,
519 implementation and maintenance of the Statewide Elections
520 Management System. The committee included two (2) representatives
521 from the Circuit Clerks Association, appointed by the association;
522 two (2) representatives from the Election Commissioners
523 Association of Mississippi, appointed by the association; one (1)
524 member of the Mississippi Association of Supervisors, or its
525 staff, appointed by the association; the Director of the Stennis



526 Institute of Government at Mississippi State University, or his or
527 her designee; the Executive Director of the Department of
528 Information Technology Services, or his or her designee; two (2)
529 persons knowledgeable about elections and information technology
530 appointed by the Secretary of State; and the Secretary of State,
531 who shall serve as the chair of the advisory committee.

532 (6) (a) Social security numbers, telephone numbers, email
533 addresses, and date of birth and age information in statewide,
534 district, county and municipal voter registration files shall be
535 exempt from and shall not be subject to inspection, examination,
536 copying or reproduction under the Mississippi Public Records Act
537 of 1983.

538 (b) Copies of statewide, district, county or municipal
539 voter registration files, excluding social security numbers,
540 telephone numbers, email addresses, and date of birth and age
541 information, shall be provided to any person in accordance with
542 the Mississippi Public Records Act of 1983 at a cost not to exceed
543 the actual cost of production.

544 **SECTION 7.** Section 97-39-3, Mississippi Code of 1972, is
545 brought forward as follows:

546 97-39-3. If any person shall fight a duel, or give or accept
547 a challenge to fight a duel, or knowingly carry or deliver such
548 challenge or the acceptance thereof, or be second to either party
549 to any duel, whether such act be done in the state or out of it,
550 or who shall go out of the state to fight a duel, or to assist in



551 the same as second, or to send, accept, or carry a challenge,
552 shall be disqualified from holding any office, be disenfranchised,
553 and incapable of holding or being elected to any post of honor,
554 profit or emolument, civil or military, under the constitution and
555 laws of this state; and the appointment of any such person to
556 office, as also all votes given to any such person, are illegal,
557 and none of the votes given to such person for any office shall be
558 taken or counted.

559 **SECTION 8.** Section 99-19-37, Mississippi Code of 1972, is
560 brought forward as follows:

561 99-19-37. (1) Any person who has lost the right of suffrage
562 by reason of conviction of crime and has not been pardoned
563 therefrom, who thereafter served honorably in any branch of the
564 Armed Forces of the United States during the periods of World War
565 I or World War II as hereinafter defined and shall have received
566 an honorable discharge, or release therefrom, shall by reason of
567 such honorable service, have the full right of suffrage restored,
568 provided, however, this does not apply to any one having an
569 unfinished or suspended sentence.

570 (2) For the purposes of this section the period of World War
571 I shall be from April 6, 1917 to December 1, 1918, and the period
572 of World War II shall be from December 7, 1941 to December 31,
573 1946.

574 (3) In order to have restored, and to exercise, the right of
575 franchise under the provisions of this section a person affected



576 hereby shall have his discharge, or release, from the Armed Forces
577 of the United States recorded in the office of the chancery clerk
578 of the county in which such person desires to exercise the right
579 of franchise and if such discharge, or release, appears to be an
580 honorable discharge, or release, and shows such person to have
581 served honorably during either of the periods stated in subsection
582 (2) of this section such person shall have the full right of
583 suffrage restored as though an act had been passed by the
584 Legislature in accordance with Section 253 of the Constitution of
585 the State of Mississippi restoring the right of suffrage to such
586 person.

587 **SECTION 9.** Section 99-19-71, Mississippi Code of 1972, is
588 amended as follows:

589 99-19-71. (1) Any person, who is a United States citizen,
590 who has been convicted of a misdemeanor that is not a traffic
591 violation, and who is a first offender, may petition the justice,
592 county, circuit or municipal court in which the conviction was had
593 for an order to expunge any such conviction from all public
594 records.

595 For an expunction as provided in this subsection (1), the
596 petitioner shall give ten (10) days' written notice to the
597 district attorney before any hearing on the petition. In all
598 cases, the court wherein the petition is filed may grant the
599 petition if the court determines, on the record or in writing,
600 that the applicant is rehabilitated from the offense which is the



601 subject of the petition. In those cases where the court denies
602 the petition, the findings of the court in this respect shall be
603 identified specifically and not generally.

604 (2) (a) Except as otherwise provided in this subsection, a
605 person, who is a United States citizen, who has been convicted of
606 a felony and who has paid all criminal fines and costs of court
607 imposed in the sentence of conviction * * * shall automatically
608 have his or her record of such conviction expunged from the court
609 in which the conviction was had * * *, and from all public
610 records, five (5) years after the successful completion of all
611 terms and conditions of the sentence for the conviction * * *;
612 however, a person is not eligible to expunge a felony classified
613 as:

614 (i) A crime of violence as provided in Section
615 97-3-2;

616 (ii) Arson, first degree as provided in Sections
617 97-17-1 and 97-17-3;

618 (iii) Trafficking in controlled substances as
619 provided in Section 41-29-139;

620 (iv) A third, fourth or subsequent offense DUI as
621 provided in Section 63-11-30(2)(c) and (2)(d);

622 (v) Felon in possession of a firearm as provided
623 in Section 97-37-5;

624 (vi) Failure to register as a sex offender as
625 provided in Section 45-33-33;



626 (vii) Voyeurism as provided in Section 97-29-61;
627 (viii) Witness intimidation as provided in Section
628 97-9-113;

629 (ix) Abuse, neglect or exploitation of a
630 vulnerable person as provided in Section 43-47-19; or

631 (x) Embezzlement, as provided in Sections 97-11-25
632 and 97-23-19, if the value and/or amount involved is Five Thousand
633 Dollars (\$5,000.00) or more.

634 (b) For purposes of this act, the term "automatically"
635 means initiated by the court in which the conviction was had, and
636 without requiring a petition by the person who was convicted.

637 (c) A person is eligible for only one (1) felony
638 expunction under this paragraph. For the purposes of this
639 section, the terms "one (1) conviction" and "one (1) felony
640 expunction" mean and include all convictions that arose from a
641 common nucleus of operative facts as determined in the discretion
642 of the court.

643 * * *

644 (3) Upon entering an order of expunction under this section,
645 a nonpublic record thereof shall be retained by the Mississippi
646 Criminal Information Center solely for the purpose of determining
647 whether, in subsequent proceedings, the person is a first
648 offender. The order of expunction shall not preclude a district
649 attorney's office from retaining a nonpublic record thereof for
650 law enforcement purposes only. The existence of an order of



651 expunction shall not preclude an employer from asking a
652 prospective employee if the employee has had an order of
653 expunction entered on his or her behalf. The effect of the
654 expunction order shall be to restore the person, in the
655 contemplation of the law, to the status he or she occupied before
656 any arrest or indictment for which convicted. No person as to
657 whom an expunction order has been entered shall be held thereafter
658 under any provision of law to be guilty of perjury or to have
659 otherwise given a false statement by reason of his or her failure
660 to recite or acknowledge such arrest, indictment or conviction in
661 response to any inquiry made of him or her for any purpose other
662 than the purpose of determining, in any subsequent proceedings
663 under this section, whether the person is a first offender. A
664 person as to whom an order has been entered, upon request, shall
665 be required to advise the court, in camera, of the previous
666 conviction and expunction in any legal proceeding wherein the
667 person has been called as a prospective juror. The court shall
668 thereafter and before the selection of the jury advise the
669 attorneys representing the parties of the previous conviction and
670 expunction.

671 (4) Upon petition therefor, a justice, county, circuit or
672 municipal court shall expunge the record of any case in which an
673 arrest was made, the person arrested was released and the case was
674 dismissed or the charges were dropped or there was no disposition
675 of such case, or the person was found not guilty at trial.



676 (5) Except as otherwise provided in subsection (2) (a) of
677 this section, no public official is eligible for expunction under
678 this section for any conviction related to his or her official
679 duties.

680 (6) Upon the entering of an order of expunction under this
681 section, the circuit clerk shall forward a certified copy of such
682 order to the Mississippi Criminal Information Center at the
683 Mississippi Department of Public Safety. Within forty-five (45)
684 days of receiving a certified copy of an order of expunction as
685 provided in this section, the department shall remove such
686 individual's criminal history record information, conviction
687 information, and disposition form from the Mississippi central
688 criminal database which is comprised of prior offenses and
689 convictions.

690 **SECTION 10.** Section 45-27-7, Mississippi Code of 1972, is
691 amended as follows:

692 45-27-7. (1) The Mississippi Justice Information Center
693 shall:

694 (a) Develop, operate and maintain an information system
695 which will support the collection, storage, retrieval and
696 dissemination of all data described in this chapter, consistent
697 with those principles of scope, security and responsiveness
698 prescribed by this chapter.

699 (b) Cooperate with all criminal justice agencies within
700 the state in providing those forms, procedures, standards and



701 related training assistance necessary for the uniform operation of
702 the statewide center.

703 (c) Offer assistance and, when practicable, instruction
704 to all local law enforcement agencies in establishing efficient
705 local records systems.

706 (d) Make available, upon request, to all local and
707 state criminal justice agencies, to all federal criminal justice
708 agencies and to criminal justice agencies in other states any
709 information in the files of the center which will aid such
710 agencies in the performance of their official duties. For this
711 purpose the center shall operate on a twenty-four-hour basis,
712 seven (7) days a week. Such information, when authorized by the
713 director of the center, may also be made available to any other
714 agency of this state or any political subdivision thereof and to
715 any federal agency, upon assurance by the agency concerned that
716 the information is to be used for official purposes only in the
717 prevention or detection of crime or the apprehension of criminal
718 offenders.

719 (e) Cooperate with other agencies of this state, the
720 crime information agencies of other states, and the national crime
721 information center systems of the Federal Bureau of Investigation
722 in developing and conducting an interstate, national and
723 international system of criminal identification and records.



724 (f) Make available, upon request, to nongovernmental
725 entities or employers certain information for noncriminal justice
726 purposes as specified in Section 45-27-12.

727 (g) Institute necessary measures in the design,
728 implementation and continued operation of the justice information
729 system to ensure the privacy and security of the system. Such
730 measures shall include establishing complete control over use of
731 and access to the system and restricting its integral resources
732 and facilities and those either possessed or procured and
733 controlled by criminal justice agencies. Such security measures
734 must meet standards developed by the center as well as those set
735 by the nationally operated systems for interstate sharing of
736 information.

737 (h) Provide data processing for files listing motor
738 vehicle drivers' license numbers, motor vehicle registration
739 numbers, wanted and stolen motor vehicles, outstanding warrants,
740 identifiable stolen property and such other files as may be of
741 general assistance to law enforcement agencies; provided, however,
742 that the purchase, lease, rental or acquisition in any manner of
743 "computer equipment or services," as defined in Section 25-53-3,
744 Mississippi Code of 1972, shall be subject to the approval of the
745 Mississippi Information Technology Services.

746 (i) Maintain a field coordination and support unit
747 which shall have all the power conferred by law upon any peace
748 officer of this state.



749 (j) Within forty-five (45) days after receipt by the
750 department of a certified copy of an order of expunction as
751 provided in Section 99-19-71, remove an individual's criminal
752 history record information, conviction information, and
753 disposition form from the Mississippi central criminal database
754 which is comprised of prior offenses and convictions.

755 (2) The department, including the investigative division or
756 the center, may:

757 (a) Obtain and store fingerprints, descriptions,
758 photographs and any other pertinent identifying data from crime
759 scenes and on persons who:

760 (i) Have been or are hereafter arrested or taken
761 into custody in this state:

- 762 1. For an offense which is a felony;
763 2. For an offense which is a misdemeanor;
764 3. As a fugitive from justice; or

765 (ii) Are or become habitual offenders; or

766 (iii) Are currently or become confined to any
767 prison, penitentiary or other penal institution; or

768 (iv) Are unidentified human corpses found in the
769 state; or

770 (v) Have submitted fingerprints for conducting
771 criminal history record checks.

772 (b) Compare all fingerprint and other identifying data
773 received with that already on file and determine whether or not a



774 criminal record is found for such person, and at once inform the
775 requesting agency or arresting officer of those facts that may be
776 disseminated consistent with applicable security and privacy laws
777 and regulations. A record shall be maintained for a minimum of
778 one (1) year of the dissemination of each individual criminal
779 history, including at least the date and recipient of such
780 information.

781 (c) Establish procedures to respond to those
782 individuals who file requests to review their own records,
783 pursuant to Sections 45-27-11 and 45-27-12, and to cooperate in
784 the correction of the central center records and those of
785 contributing agencies when their accuracy has been successfully
786 challenged either through the related contributing agencies or by
787 court order issued on behalf of an individual.

788 (d) Retain in the system the fingerprints of all law
789 enforcement officers and part-time law enforcement officers, as
790 those terms are defined in Section 45-6-3, any fingerprints sent
791 by the Mississippi State Department of Health, and of all
792 applicants to law enforcement agencies.

793 (3) There shall be a presumption that a copy of any document
794 submitted to the center in accordance with the provisions of
795 Section 45-27-9 that has been processed as set forth in this
796 chapter and subsequently certified and provided by the center to a
797 law enforcement agency or a court shall be admissible in any
798 proceeding without further authentication unless a person



799 objecting to that admissibility has successfully challenged the
800 document under the provisions of Section 45-27-11.

801 **SECTION 11.** Section 45-27-21, Mississippi Code of 1972, is
802 amended as follows:

803 45-27-21. (1) (a) A certified copy of every expunction and
804 nonadjudication order shall be sent by the circuit clerk to the
805 Mississippi Criminal Information Center where it shall be
806 maintained in a separate confidential database accessible only
807 upon written request by a district attorney, a county prosecuting
808 attorney, a municipal court prosecuting attorney, the Attorney
809 General of Mississippi and the Mississippi Law Enforcement
810 Standards and Training Board.

811 (b) Within forty-five (45) days of receiving a
812 certified copy of an order of expunction as provided in Section
813 99-19-71, the department shall remove such individual's criminal
814 history record information, conviction information, and
815 disposition form from the Mississippi central criminal database
816 which is comprised of prior offenses and convictions.

817 (2) Any criminal conviction which has been expunged or
818 nonadjudicated may be used for the purpose of determining habitual
819 offender status and for the use of the Mississippi Law Enforcement
820 Standards and Training Board in giving or retaining law
821 enforcement certification, and to ensure that a person is only
822 eligible for first-offender status one (1) time.



823 **SECTION 12.** Section 45-34-3, Mississippi Code of 1972, is
824 amended as follows:

825 45-34-3. (1) The department shall post a publicly
826 accessible registry online of all offenders by July 1, 2024.

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

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

835 (3) (a) Except as otherwise provided in this section, no
836 offender shall be removed from the registry unless and until all
837 fines, penalties and restitution resulting from conviction have
838 been paid and proof of same provided to the department.

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

846 (c) Notwithstanding paragraphs (a) and (b) of this
847 subsection, a person who has served any sentence imposed and paid



848 all fines, penalties and any restitution ordered may petition the
849 department to be removed from the list after the satisfaction of
850 the conditions of this paragraph (c). Upon receipt and
851 confirmation of a true and correct petition, the department shall
852 remove the offender from the registry.

853 (d) Within forty-five (45) days of receiving a
854 certified copy of an order of expunction as provided in Section
855 99-19-71, the department shall remove such individual from the
856 registry, and remove his or her criminal history record
857 information, conviction information, and disposition form from the
858 Mississippi central criminal database which is comprised of prior
859 offenses and convictions.

860 **SECTION 13.** Section 97-37-5, Mississippi Code of 1972, is
861 amended as follows:

862 97-37-5. (1) It shall be unlawful for any person who has
863 been convicted of a felony under the laws of this state, any other
864 state, or of the United States to possess any firearm or any bowie
865 knife, dirk knife, butcher knife, switchblade knife, metallic
866 knuckles, blackjack, or any muffler or silencer for any firearm
867 unless such person has received a pardon for such felony, has
868 received an order of expunction for such conviction as provided
869 under Section 99-19-71, has received a relief from disability
870 pursuant to Section 925(c) of Title 18 of the United States Code,
871 or has received a certificate of rehabilitation pursuant to
872 subsection (3) of this section.



873 (2) Any person violating this section shall be guilty of a
874 felony and, upon conviction thereof, shall be fined not more than
875 Five Thousand Dollars (\$5,000.00), or committed to the custody of
876 the State Department of Corrections for not less than one (1) year
877 nor more than ten (10) years, or both.

878 (3) A person who has been convicted of a felony under the
879 laws of this state, under the laws of another state, under federal
880 law or in state military court may apply for a certificate of
881 rehabilitation as provided in this section. If the person was
882 convicted of a felony under the laws of this state, he or she may
883 apply to the court in which he was convicted for a certificate of
884 rehabilitation. If the person was convicted of a felony under the
885 laws of another state, under federal law or in state military
886 court, he or she may apply to the court in the person's county of
887 residence for a certificate of rehabilitation. A person convicted
888 of a felony under the laws of another state, under federal law or
889 in state military court shall attach a certified copy of his or
890 her judgment and a certified copy of his or her completion of
891 sentence to the petition for a certificate of rehabilitation. The
892 court may grant such certificate in its discretion upon a showing
893 to the satisfaction of the court that the applicant has been
894 rehabilitated and has led a useful, productive and law-abiding
895 life since the completion of his or her sentence and upon the
896 finding of the court that he or she will not be likely to act in a
897 manner dangerous to public safety.



898 (4) (a) A person who is discharged from court-ordered
899 mental health treatment may petition the court which entered the
900 commitment order for an order stating that the person qualifies
901 for relief from a firearms disability.

902 (b) In determining whether to grant relief, the court
903 must hear and consider evidence about:

904 (i) The circumstances that led to imposition of
905 the firearms disability under 18 USCS, Section 922(d)(4);

906 (ii) The person's mental history;

907 (iii) The person's criminal history; and

908 (iv) The person's reputation.

909 (c) A court may not grant relief unless it makes and
910 enters in the record the following affirmative findings:

911 (i) That the person is no longer likely to act in
912 a manner dangerous to public safety; and

913 (ii) Removing the person's disability to purchase
914 a firearm is not against the public interest.

915 **SECTION 14.** Section 45-1-45, Mississippi Code of 1972, is
916 brought forward as follows:

917 45-1-45. (1) The Department of Public Safety shall
918 implement an Internet-based data and information sharing network
919 that will allow state and local law enforcement, court personnel,
920 prosecutors and other agencies to exchange and view felony and
921 misdemeanor information on current and former criminal offenders
922 through a currently available, near real-time, updated hourly,



923 nationwide jail database which represents fifty percent (50%) or
924 more of all incarcerated persons in the country.

925 (2) There is created in the State Treasury a special fund to
926 be known as the Information Exchange Network Fund. The purpose of
927 the fund shall be to provide funding for the Web-based information
928 sharing network required by subsection (1) of this section.

929 Monies from the funds derived from assessments under Section
930 99-19-73 shall be distributed by the State Treasurer upon warrants
931 issued by the Department of Public Safety. The fund shall be a
932 continuing fund, not subject to fiscal-year limitations, and shall
933 consist of:

- 934 (a) Monies appropriated by the Legislature;
- 935 (b) The interest accruing to the fund;
- 936 (c) Monies received under the provisions of Section
937 99-19-73;
- 938 (d) Monies received from the federal government;
- 939 (e) Donations; and
- 940 (f) Monies received from such other sources as may be
941 provided by law.

942 **SECTION 15.** Section 45-27-9, Mississippi Code of 1972, is
943 brought forward as follows:

944 45-27-9. (1) All criminal justice agencies within the state
945 shall submit to the center an arrest card that will transmit
946 fingerprints, descriptions, photographs (when specifically
947 requested), and other identifying data on persons who have been



948 lawfully arrested or taken into custody in this state for all
949 felonies and misdemeanors as described in Section 45-27-7(2)(a).
950 It shall be the duty of all chiefs of police, sheriffs, district
951 attorneys, courts, court clerks, judges, parole and probation
952 officers, wardens or other persons in charge of correctional
953 institutions in this state to furnish the center with all data
954 required by the rules duly promulgated under the Administrative
955 Procedures Act to carry out its responsibilities under this
956 chapter, and the duty of courts and court clerks to submit a
957 disposition form for every disposition. It shall be the duty of
958 all criminal justice agencies within the state to supply the
959 prosecutor and the proper court with the disposition form that is
960 attached to the physical arrest card if fingerprints were taken
961 manually or, if fingerprints were captured digitally, the
962 disposition form generated by the electronic fingerprint device at
963 the time of the arrest. The PEER committee may conduct random
964 review of the records of any agency or clerks referenced in this
965 subsection (1) to determine whether the duties of such agencies
966 and clerks are being fulfilled in a timely manner. The PEER
967 committee, based on its findings, if any, shall recommend measures
968 to ensure that the duties are more effectively carried out in a
969 timely manner.

970 (2) (a) All persons in charge of law enforcement agencies
971 shall obtain, or cause to be obtained, fingerprints according to
972 the fingerprint system of identification established by the



973 Director of the Federal Bureau of Investigation, full face and
974 profile photographs (if equipment is available) and other
975 available identifying data, of each person arrested or taken into
976 custody for an offense of a type designated in subsection (1) of
977 this section, of all persons arrested or taken into custody as
978 fugitives from justice and of all unidentified human corpses in
979 their jurisdictions, but photographs need not be taken if it is
980 known that photographs of the type listed, taken within the
981 previous year, are on file. Any record taken in connection with
982 any person arrested or taken into custody and subsequently
983 released without charge or cleared of the offense through court
984 proceedings shall be purged from the files of the center and
985 destroyed upon receipt by the center of a lawful expunction order.
986 All persons in charge of law enforcement agencies shall submit to
987 the center detailed descriptions of arrests or takings into
988 custody which result in release without charge or subsequent
989 exoneration from criminal liability within twenty-four (24) hours
990 of the release or exoneration.

991 (b) The center will work to secure grant funds to
992 purchase live scan equipment to be utilized throughout the state.
993 All law enforcement agencies shall utilize any live scan equipment
994 provided by the center to ensure the most accurate collection of
995 fingerprints. The center shall coordinate the use of the
996 equipment with federal, state, county and municipal law
997 enforcement agencies.



998 (3) Fingerprints and other identifying data required to be
999 taken under subsection (2) shall be forwarded within twenty-four
1000 (24) hours after taking for filing and classification, but the
1001 period of twenty-four (24) hours may be extended to cover any
1002 intervening holiday or weekend. Photographs taken shall be
1003 forwarded at the discretion of the agency concerned, but, if not
1004 forwarded, the fingerprint record shall be marked "Photo
1005 Available" and the photographs shall be forwarded subsequently if
1006 the center so requests.

1007 (4) All persons in charge of law enforcement agencies shall
1008 submit to the center detailed descriptions of arrest warrants and
1009 related identifying data immediately upon determination of the
1010 fact that the warrant cannot be served for the reasons stated. If
1011 the warrant is subsequently served or withdrawn, the law
1012 enforcement agency concerned must immediately notify the center of
1013 the service or withdrawal. Also, the agency concerned must
1014 annually, no later than January 31 of each year and at other times
1015 if requested by the center, confirm all arrest warrants which
1016 continue to be outstanding. Upon receipt of a lawful expunction
1017 order, the center shall purge and destroy files of all data
1018 relating to an offense when an individual is subsequently
1019 exonerated from criminal liability of that offense. The center
1020 shall not be liable for the failure to purge, destroy or expunge
1021 any records if an agency or court fails to forward to the center
1022 proper documentation ordering the action.



1023 (5) All persons in charge of state correctional institutions
1024 shall obtain fingerprints, according to the fingerprint system of
1025 identification established by the Director of the Federal Bureau
1026 of Investigation or as otherwise directed by the center, and full
1027 face and profile photographs of all persons received on commitment
1028 to the institutions. The prints so taken shall be forwarded to
1029 the center, together with any other identifying data requested,
1030 within ten (10) days after the arrival at the institution of the
1031 person committed. At the time of release, the institution will
1032 again obtain fingerprints, as before, and forward them to the
1033 center within ten (10) days, along with any other related
1034 information requested by the center. The institution shall notify
1035 the center immediately upon the release of the person.

1036 (6) All persons in charge of law enforcement agencies, all
1037 court clerks, all municipal justices where they have no clerks,
1038 all justice court judges and all persons in charge of state and
1039 county probation and parole offices, shall supply the center with
1040 the information described in subsections (4) and (10) of this
1041 section on the basis of the forms and instructions for the
1042 disposition form to be supplied by the center.

1043 (7) All persons in charge of law enforcement agencies in
1044 this state shall furnish the center with any other identifying
1045 data required in accordance with guidelines established by the
1046 center. All law enforcement agencies and correctional
1047 institutions in this state having criminal identification files



1048 shall cooperate in providing the center with copies of the items
1049 in the files which will aid in establishing the nucleus of the
1050 state criminal identification file.

1051 (8) All law enforcement agencies within the state shall
1052 report to the center, in a manner prescribed by the center, all
1053 persons wanted by and all vehicles and identifiable property
1054 stolen from their jurisdictions. The report shall be made as soon
1055 as is practical after the investigating department or agency
1056 either ascertains that a vehicle or identifiable property has been
1057 stolen or obtains a warrant for an individual's arrest or
1058 determines that there are reasonable grounds to believe that the
1059 individual has committed a crime. The report shall be made within
1060 a reasonable time period following the reporting department's or
1061 agency's determination that it has grounds to believe that a
1062 vehicle or property was stolen or that the wanted person should be
1063 arrested.

1064 (9) All law enforcement agencies in the state shall
1065 immediately notify the center if at any time after making a report
1066 as required by subsection (8) of this section it is determined by
1067 the reporting department or agency that a person is no longer
1068 wanted or that a vehicle or property stolen has been recovered.
1069 Furthermore, if the agency making the apprehension or recovery is
1070 not the one which made the original report, then it shall
1071 immediately notify the originating agency of the full particulars



1072 relating to the apprehension or recovery using methods prescribed
1073 by the center.

1074 (10) All law enforcement agencies in the state and clerks of
1075 the various courts shall promptly report to the center all
1076 instances where records of convictions of criminals are ordered
1077 expunged by courts of this state as now provided by law. The
1078 center shall promptly expunge from the files of the center and
1079 destroy all records pertaining to any convictions that are ordered
1080 expunged by the courts of this state as provided by law.

1081 (11) The center shall not be held liable for the failure to
1082 purge, destroy or expunge records if an agency or court fails to
1083 forward to the center proper documentation ordering the action.

1084 (12) Any criminal justice department or agency making an
1085 expenditure in excess of Five Thousand Dollars (\$5,000.00) in any
1086 calendar year on software or programming upgrades concerning a
1087 computerized records management system or jail management system
1088 shall ensure that the new or upgraded system is formatted to
1089 Department of Justice approved XML format and that no impediments
1090 to data sharing with other agencies or departments exist in the
1091 software programming.

1092 (13) (a) All law enforcement agencies within the state
1093 shall:

1094 (i) Implement an incident-based reporting system
1095 within the agency or department that meets the reporting
1096 requirements of the National Incident-Based Reporting System



1097 (NIBRS) of the Uniform Crime Reporting Program of the Federal
1098 Bureau of Investigation;

1099 (ii) Use the system described by subparagraph (i)
1100 to submit to the center information and statistics concerning
1101 criminal offenses committed in the jurisdiction of the local law
1102 enforcement agency, in a manner prescribed by the center; and

1103 (iii) Report the information as soon as is
1104 practicable after the investigating agency or department
1105 ascertains that a qualifying crime has been committed in its
1106 jurisdiction, once the state-level NIBRS Repository is available.

1107 (b) No later than December 31, 2025, state and local
1108 law enforcement agencies shall be compliant with all regulations
1109 promulgated by the Department of Public Safety's Criminal
1110 Information Center (CIC), with consultation with the President of
1111 the Sheriffs Association and Mississippi Association of Chiefs of
1112 Police with regard to the National Incident-Based Reporting System
1113 (NIBRS) of the Uniform Crime Reporting Program of the Federal
1114 Bureau of Investigation.

1115 **SECTION 16.** Section 45-27-11, Mississippi Code of 1972, is
1116 brought forward as follows:

1117 45-27-11. The center shall make a person's criminal records
1118 available for inspection by him or his attorney upon written
1119 request. Prior to inspection, the person must submit a set of
1120 fingerprints, sign a written authorization for the records check,
1121 and provide any other identifying information required by the



1122 center. Should such person or his attorney contest the accuracy
1123 of any portion of such records, the center shall make available to
1124 such person or his attorney a copy of the contested record upon
1125 written application identifying the portion of the record
1126 contested and showing the reason for the contest of accuracy.
1127 Forms, procedures, fees, identification and other related aspects
1128 pertinent to such access may be prescribed by the center in making
1129 access available.

1130 If an individual believes such information to be inaccurate
1131 or incomplete, he may request the original agency having custody
1132 or control of the records to purge, modify or supplement them and
1133 to so notify the center of such changes. Should the agency
1134 decline to so act or should the individual believe the agency's
1135 decision to be otherwise unsatisfactory, the individual or his
1136 attorney may within thirty (30) days of such decision enter an
1137 appeal to the county or circuit court of the county of his
1138 residence or to such court in the county where such agency exists.
1139 The court in each such case shall conduct a de novo hearing and
1140 may order such relief as it finds to be required by law. Such
1141 appeals shall be entered in the same manner as other appeals are
1142 entered.

1143 Should the record in question be found to be inaccurate or
1144 incomplete, the court shall order it to be appropriately expunged,
1145 modified or supplemented by an explanatory notation. Each agency
1146 or individual in the state with custody, possession or control of



1147 any such record shall promptly cause each and every copy thereof
1148 in his custody, possession or control to be altered in accordance
1149 with the court's order. Notification of each such deletion,
1150 amendment and supplementary notation shall be promptly
1151 disseminated to any individuals or agencies to which the records
1152 in question have been communicated as well as to the individual
1153 whose records have been ordered so altered. The center shall not
1154 be held liable for the failure to modify, supplement, destroy or
1155 expunge records if an agency or court fails to forward to the
1156 center proper documentation ordering such action.

1157 Agencies, including the center, at which criminal offender
1158 records are sought to be inspected may prescribe reasonable hours
1159 and places of inspection and may impose such additional
1160 procedures, fees or restrictions, including fingerprinting, as are
1161 reasonably necessary both to assure the record's security, to
1162 verify the identities of those who seek to inspect them and to
1163 maintain an orderly and efficient mechanism for such access.

1164 **SECTION 17.** Section 45-34-5, Mississippi Code of 1972, is
1165 brought forward as follows:

1166 45-34-5. (1) The department shall maintain the registry on
1167 the Internet, which shall contain a disclaimer informing the
1168 public that:

1169 (a) The information contained on the website is
1170 obtained from public records, and the department does not
1171 guarantee the website's accuracy or completeness;



1172 (b) The list only includes persons convicted in
1173 Mississippi state courts of a limited list of crimes. Persons who
1174 are convicted in any federal court, or who are convicted of a
1175 crime other than a registrable offense will not appear on the
1176 registry.

1177 (2) The department and any individual or entity acting at
1178 the request or upon the direction of the department are immune
1179 from civil liability for damages arising from reporting
1180 information under this chapter and will be presumed to have acted
1181 in good faith in performing its duties under this chapter.

1182 **SECTION 18.** If any section, paragraph, sentence, clause,
1183 phrase or any part of any act passed hereafter is declared to be
1184 unconstitutional or void, or if for any reason is declared to be
1185 invalid or of no effect, the remaining sections, paragraphs,
1186 sentences, clauses, phrases or parts thereof shall be in no manner
1187 affected thereby but shall remain in full force and effect.

1188 Unless the contrary intent shall clearly appear in the
1189 particular act in question, each and every act passed hereafter
1190 shall be read and construed as though the provisions of the first
1191 paragraph of this section form an integral part thereof, whether
1192 expressly set out therein or not.

1193 **SECTION 19.** This act shall take effect and be in force from
1194 and after July 1, 2024.

