

By: Senator(s) Hill

To: Judiciary, Division A

SENATE BILL NO. 2042

1 AN ACT TO CREATE A NEW SECTION WITHIN TITLE 25, CHAPTER 61,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TERMS OF ANY
3 SETTLEMENT OF ANY CIVIL PROCEEDING BETWEEN A PUBLIC BODY AND ANY
4 OTHER PARTY MAY NOT BE MADE CONFIDENTIAL BY THE PARTIES TO THE
5 SETTLEMENT; TO BRING FORWARD SECTION 25-61-3, MISSISSIPPI CODE OF
6 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** The following shall be codified as a new section
10 within Title 25, Chapter 61, Mississippi Code of 1972:

11 25-61- . The terms of any settlement of any civil
12 proceeding between a public body and any other party may not be
13 made confidential by the parties to the settlement, and no court
14 may enter an order of confidentiality and seal any court record or
15 other document containing the terms of such settlement.

16 **SECTION 2.** Section 25-61-3, Mississippi Code of 1972, is
17 brought forward as follows:

18 25-61-3. The following words shall have the meanings
19 ascribed herein unless the context clearly requires otherwise:



20 (a) "Public body" shall mean any department, bureau,
21 division, council, commission, committee, subcommittee, board,
22 agency and any other entity of the state or a political
23 subdivision thereof, and any municipal corporation and any other
24 entity created by the Constitution or by law, executive order,
25 ordinance or resolution. The term "public body" includes the
26 governing board of a charter school authorized by the Mississippi
27 Charter School Authorizer Board. Within the meaning of this
28 chapter, the term "entity" shall not be construed to include
29 individuals employed by a public body or any appointed or elected
30 public official.

31 (b) "Public records" shall mean all books, records,
32 papers, accounts, letters, maps, photographs, films, cards, tapes,
33 recordings or reproductions thereof, and any other documentary
34 materials, regardless of physical form or characteristics, having
35 been used, being in use, or prepared, possessed or retained for
36 use in the conduct, transaction or performance of any business,
37 transaction, work, duty or function of any public body, or
38 required to be maintained by any public body. "Public records"
39 shall not mean "personal information" as defined in Section
40 25-62-1.

41 (c) "Data processing software" means the programs and
42 routines used to employ and control the capabilities of data
43 processing hardware, including, but not limited to, operating
44 systems, compilers, assemblers, utilities, library routines,



45 maintenance routines, applications and computer networking
46 programs.

47 (d) "Proprietary software" means data processing
48 software that is obtained under a licensing agreement and is
49 protected by copyright or trade secret laws.

50 (e) "Incident report" means a narrative description, if
51 such narrative description exists and if such narrative
52 description does not contain investigative information, of an
53 alleged offense, and at a minimum shall include the name and
54 identification of each person charged with and arrested for the
55 alleged offense, the time, date and location of the alleged
56 offense, and the property involved, to the extent this information
57 is known.

58 (f) "Investigative report" means records of a law
59 enforcement agency containing information beyond the scope of the
60 matters contained in an incident report, and generally will
61 include, but not be limited to, the following matters if beyond
62 the scope of the matters contained in an incident report:

63 (i) Records that are compiled in the process of
64 detecting and investigating any unlawful activity or alleged
65 unlawful activity, the disclosure of which would harm the
66 investigation which may include crime scene reports and
67 demonstrative evidence;

68 (ii) Records that would reveal the identity of
69 informants and/or witnesses;



(iii) Records that would prematurely release information that would impede the public body's enforcement, investigative or detection efforts;

(iv) Records that would disclose investigatory techniques and/or results of investigative techniques;

(v) Records that would deprive a person of a right to a fair trial or an impartial adjudication;

(vi) Records that would endanger the life or safety of a public official or law enforcement personnel, or confidential informants or witnesses;

(vii) Records pertaining to quality control or PEER review activities; or

(viii) Records that would impede or jeopardize a prosecutor's ability to prosecute the alleged offense.

(g) "Law enforcement agency" means a public body that performs as one (1) of its principal functions activities pertaining to the enforcement of criminal laws, the apprehension and investigation of criminal offenders, or the investigation of criminal activities.

SECTION 3. This act shall take effect and be in force from and after July 1, 2024.

