

By: Senator(s) Parker

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2308

1 AN ACT TO AMEND SECTION 25-61-5, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE DATE OF REPEAL ON THE MISSISSIPPI PUBLIC RECORDS ACT;
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 25-61-5, Mississippi Code of 1972, is
6 amended as follows:

7 25-61-5. (1) (a) Except as otherwise provided by Sections
8 25-61-9, 25-61-11, 25-61-11.2 and 37-153-7, all public records are
9 hereby declared to be public property, and any person shall have
10 the right to inspect, copy or mechanically reproduce or obtain a
11 reproduction of any public record of a public body in accordance
12 with reasonable written procedures adopted by the public body
13 concerning the cost, time, place and method of access, and public
14 notice of the procedures shall be given by the public body, or, if
15 a public body has not adopted written procedures, the right to
16 inspect, copy or mechanically reproduce or obtain a reproduction
17 of a public record of the public body shall be provided within one
18 (1) working day after a written request for a public record is



19 made. No public body shall adopt procedures which will authorize
20 the public body to produce or deny production of a public record
21 later than seven (7) working days from the date of the receipt of
22 the request for the production of the record.

23 (b) If a public body is unable to produce a public
24 record by the seventh working day after the request is made, the
25 public body must provide a written explanation to the person
26 making the request stating that the record requested will be
27 produced and specifying with particularity why the records cannot
28 be produced within the seven-day period. Unless there is mutual
29 agreement of the parties, or the information requested is part of
30 ongoing negotiations related to a request for competitive sealed
31 proposals, in no event shall the date for the public body's
32 production of the requested records be any later than fourteen
33 (14) working days from the receipt by the public body of the
34 original request. Production of competitive sealed proposals in
35 accordance with requests made pursuant to this section shall be no
36 later than seven (7) working days after the notice of intent to
37 award is issued to the winning proposer. Persons making a request
38 for production of competitive sealed proposals after the notice of
39 intent to award is issued by the public body shall have a
40 reasonable amount of time, but in no event less than seven (7)
41 working days after the production of the competitive sealed
42 proposals, to protest the procurement or intended award prior to
43 contract execution. However, in any instance where a person has



44 filed for a protective order for a competitive sealed proposal and
45 the court has not ruled on the protective order within ninety (90)
46 days of filing, then the public body may proceed with awarding the
47 contract without production of competitive sealed proposals, and
48 the contract may be protested after execution.

49 (2) If any public record contains material which is not
50 exempted under this chapter, the public agency shall redact the
51 exempted material and make the nonexempted material available for
52 examination. Such public agency shall be entitled to charge a
53 reasonable fee for the redaction of any exempted material, not to
54 exceed the agency's actual cost.

55 (3) Denial by a public body of a request for access to or
56 copies of public records under this chapter shall be in writing
57 and shall contain a statement of the specific exemption relied
58 upon by the public body for the denial. Each public body shall
59 maintain a file of all denials of requests for public records.
60 Public bodies shall be required to preserve such denials on file
61 for not less than three (3) years from the date such denials are
62 made. This file shall be made available for inspection or
63 copying, or both, during regular office hours to any person upon
64 written request.

65 (4) This section shall stand repealed on July 1, * * * 2028.

66 **SECTION 2.** This act shall take effect and be in force from
67 and after June 30, 2024.

