

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.

