

By: Senator(s) England, Barrett

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2406

1 AN ACT TO AMEND SECTION 25-61-12, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT FROM THE MISSISSIPPI PUBLIC RECORDS ACT CERTAIN PRIVATE
3 INFORMATION OF ANY FEDERAL OR STATE LAW ENFORCEMENT OFFICER, JUDGE
4 OR DISTRICT ATTORNEY, CONDUCTING AN OPERATION IN THIS STATE; TO
5 REQUIRE A PUBLIC BODY, UPON ONLINE OR WRITTEN REQUEST, TO REDACT
6 FROM ITS RECORDS CERTAIN PRIVATE INFORMATION OF A LAW ENFORCEMENT
7 OFFICER, CRIMINAL INVESTIGATOR, JUDGE OR DISTRICT ATTORNEY, OR THE
8 SPOUSE OR CHILD OF THE LAW ENFORCEMENT OFFICER, CRIMINAL
9 INVESTIGATOR, JUDGE OR DISTRICT ATTORNEY; AND FOR RELATED
10 PURPOSES.

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

12 **SECTION 1.** Section 25-61-12, Mississippi Code of 1972, is
13 amended as follows:

14 25-61-12. (1) (a) The home address, any telephone number
15 of a privately paid account or other private information of any
16 law enforcement officer, criminal investigator, judge or district
17 attorney, or the spouse or child of the law enforcement officer,
18 criminal investigator, judge or district attorney, shall be exempt
19 from the Mississippi Public Records Act of 1983. This exemption
20 does not apply to any court transcript or recording if given under
21 oath and not otherwise excluded by law. For purposes of this
22 subsection, the term "law enforcement officer" shall include, but



23 not be limited to, any federal or state law enforcement officer
24 conducting an operation in this state. For purposes of this
25 subsection, the term "judge or district attorney" shall include,
26 but not be limited to, any judge or district attorney conducting
27 an operation in this state.

28 (b) Upon the online or written request of a law
29 enforcement officer, criminal investigator, judge or district
30 attorney, or the spouse or child of the law enforcement officer,
31 criminal investigator, judge or district attorney, a public body
32 shall redact the information described in paragraph (a) of this
33 subsection from its records. Each public body shall make
34 available a request form that allows a law enforcement officer,
35 criminal investigator, judge or district attorney, or the spouse
36 or child of the law enforcement officer, criminal investigator,
37 judge or district attorney, to request the redaction of the
38 information described in paragraph (a) of this subsection from the
39 records of the public body.

40 (2) (a) When in the possession of a law enforcement agency,
41 investigative reports shall be exempt from the provisions of this
42 chapter; however, a law enforcement agency, in its discretion, may
43 choose to make public all or any part of any investigative report.

44 (b) Nothing in this chapter shall be construed to
45 prevent any and all public bodies from having among themselves a
46 free flow of information for the purpose of achieving a
47 coordinated and effective detection and investigation of unlawful



48 activity. Where the confidentiality of records covered by this
49 section is being determined in a private hearing before a judge
50 under Section 25-61-13, the public body may redact or separate
51 from the records the identity of confidential informants or the
52 identity of the person or persons under investigation or other
53 information other than the nature of the incident, time, date and
54 location.

55 (c) Nothing in this chapter shall be construed to
56 exempt from public disclosure a law enforcement incident report.
57 An incident report shall be a public record. A law enforcement
58 agency may release information in addition to the information
59 contained in the incident report.

60 (d) Nothing in this chapter shall be construed to
61 require the disclosure of information that would reveal the
62 identity of the victim.

63 (3) Personal information of victims, including victim impact
64 statements and letters of support on behalf of victims that are
65 contained in records on file with the Mississippi Department of
66 Corrections and State Parole Board, shall be exempt from the
67 provisions of this chapter.

68 (4) Records of a public hospital board relating to the
69 purchase or sale of medical or other practices or other business
70 operations, and the recruitment of physicians and other health
71 care professionals, shall be exempt from the provisions of this
72 chapter.



73 **SECTION 2.** This act shall take effect and be in force from
74 and after July 1, 2024.

