

By: Senator(s) Fillingane

To: Judiciary, Division A

SENATE BILL NO. 2782

1 AN ACT TO BRING FORWARD SECTION 43-21-255, MISSISSIPPI CODE
2 OF 1972, WHICH IS THE PROVISION OF LAW THAT GOVERNS LAW
3 ENFORCEMENT RECORDS INVOLVING CHILDREN, FOR THE PURPOSES OF
4 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 43-21-255, Mississippi Code of 1972, is
7 brought forward as follows:

8 43-21-255. (1) Except as otherwise provided by this
9 section, all records involving children made and retained by law
10 enforcement officers and agencies or by the youth court prosecutor
11 and the contents thereof shall be kept confidential and shall not
12 be disclosed except as provided in Section 43-21-261.

13 (2) A child in the jurisdiction of the youth court and who
14 has been taken into custody for an act, which if committed by an
15 adult would be considered a felony or offenses involving
16 possession or use of a dangerous weapon or any firearm, may be
17 photographed or fingerprinted or both. Any law enforcement agency
18 taking such photographs or fingerprints shall immediately report
19 the existence and location of the photographs and fingerprints to



20 the youth court. Copies of fingerprints known to be those of a
21 child shall be maintained on a local basis only. Such copies of
22 fingerprints may be forwarded to another local, state or federal
23 bureau of criminal identification or regional depository for
24 identification purposes only. Such copies of fingerprints shall
25 be returned promptly and shall not be maintained by such agencies.

26 (3) Any law enforcement record involving children who have
27 been taken into custody for an act, which if committed by an adult
28 would be considered a felony and/or offenses involving possession
29 or use of a dangerous weapon including photographs and
30 fingerprints, may be released to a law enforcement agency
31 supported by public funds, youth court officials and appropriate
32 school officials without a court order under Section 43-21-261.
33 Law enforcement records shall be released to youth court officials
34 and to appropriate school officials upon written request. Except
35 as provided in subsection (4) of this section, any law enforcement
36 agency releasing such records of children in the jurisdiction of
37 the youth court shall immediately report the release and location
38 of the records to the youth court. The law enforcement agencies,
39 youth court officials and school officials receiving such records
40 are prohibited from using the photographs and fingerprints for any
41 purpose other than for criminal law enforcement and juvenile law
42 enforcement. Each law enforcement officer or employee, each youth
43 court official or employee and each school official or employee
44 receiving the records shall submit to the sender a signed



45 statement acknowledging his or her duty to maintain the
46 confidentiality of the records. In no instance shall the fact
47 that such records of children in the jurisdiction of the youth
48 court exist be conveyed to any private individual, firm,
49 association or corporation or to any public or quasi-public agency
50 the duties of which do not include criminal law enforcement or
51 juvenile law enforcement.

52 (4) When a child's driver's license is suspended for refusal
53 to take a test provided under the Mississippi Implied Consent Law,
54 the law enforcement agency shall report such refusal, without a
55 court order under Section 43-21-261, to the Commissioner of Public
56 Safety in the same manner as such suspensions are reported in
57 cases involving adults.

58 (5) All records involving a child convicted as an adult or
59 who has been twice adjudicated delinquent for a sex offense as
60 defined by Section 45-33-23, Mississippi Code of 1972, shall be
61 public and shall not be kept confidential.

62 **SECTION 2.** This act shall take effect and be in force from
63 and after July 1, 2025.

