

By: Senator(s) Hamilton, Scoper, Browning

To: County Affairs;
Municipalities

SENATE BILL NO. 2481

1 AN ACT TO CODIFY SECTION 45-39-17, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE CERTAIN COUNTIES AND MUNICIPALITIES WHICH HAVE
3 ESTABLISHED A LOCAL CRIME STOPPERS PROGRAM TO ASSESS AN ADDITIONAL
4 SURCHARGE UPON PERSONS FINED FOR CERTAIN MISDEMEANORS FOR THE
5 PURPOSE OF FUNDING PARTICIPATION IN SUCH PROGRAM; TO AMEND SECTION
6 45-39-15, MISSISSIPPI CODE OF 1972, TO EXPAND THE AUTHORITY OF
7 LOCAL GOVERNMENTAL UNITS TO ESTABLISH A LOCAL CRIME STOPPERS
8 PROGRAM UNDER THIS CHAPTER; TO AMEND SECTION 45-39-7, MISSISSIPPI
9 CODE OF 1972, TO REVISE THE CONFIDENTIALITY OF CRIME STOPPERS
10 COMMUNICATIONS RECORDS; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** The following shall be codified as Section

13 45-39-17, Mississippi Code of 1972:

14 45-39-17. In addition to any other monetary penalties and
15 other penalties imposed by law, any county or municipality by
16 ordinance may assess an additional surcharge in an amount not to
17 exceed Two Dollars (\$2.00) on each person upon whom a county,
18 justice or municipal court imposes a fine or other penalty for any
19 misdemeanor other than offenses relating to vehicular parking or
20 registration if there is established to the benefit of the
21 citizens of the county or municipality a local crime stoppers
22 program which is not authorized to receive funds under local and
23 private legislation. The proceeds from the surcharge may be used
24 by a county or municipality only to fund that county's or
25 municipality's support of the local crime stoppers program as
26 authorized by Section 45-39-15, Mississippi Code of 1972. The
27 proceeds from the surcharge imposed by this subsection shall be
28 deposited into a special fund in the Department of Public Safety's
29 Office of Public Safety Planning which shall promulgate rules and
30 procedures relating to the administration of the special fund and
31 the disbursement of monies in the fund to participating counties



32 and municipalities. The maximum amount that a county or
33 municipality may receive from the special fund shall be an amount
34 equal to the deposits made into the fund by that entity, less one
35 percent (1%) to be retained by the Office of Public Safety
36 Planning to defray the costs of administering the special fund.
37 Interest earned on the special fund shall remain in the fund and
38 shall be used by the Office of Public Safety Planning to further
39 defray the costs of administering the special fund.

40 **SECTION 2.** Section 45-39-15, Mississippi Code of 1972, is
41 amended as follows:

42 45-39-15. * * * The board of supervisors of a county and the
43 governing authority of a municipality are authorized to contribute
44 funds to a local crime stoppers program from the general fund of
45 the county or municipality or any other available source if the
46 local crime stoppers program is established to operate, in whole
47 or in part, within the boundaries of that county or municipality.

48 This chapter shall not repeal or affect any local and private
49 act establishing a county or local crime stoppers program
50 providing for the operation and funding of such program.

51 **SECTION 3.** Section 45-39-7, Mississippi Code of 1972, is
52 amended as follows:

53 45-39-7. (1) Council records relating to reports of
54 criminal acts are confidential.

55 (2) Evidence of a communication between a person submitting
56 a report of a criminal act to the council or a local crime
57 stoppers program and the person who accepted the report on behalf
58 of the council or local crime stoppers program is not admissible
59 in a court or an administrative proceeding whether the evidence is
60 held by the council or a local crime stoppers program or is held
61 by a telecommunication service provider.

62 (3) Records of the council or a local crime stoppers program
63 concerning a report of criminal activity and records of a
64 telecommunication service provider relating to a report made to



65 the council or to a local crime stoppers program may not be
66 compelled to be produced before a court or other tribunal except
67 on the motion of a criminal defendant to the court in which the
68 offense is being tried that the records or report contain evidence
69 that is exculpatory to the defendant in the trial of that offense.
70 On motion of a defendant under this subsection, the court may
71 subpoena the records or report. The court shall conduct an
72 in-camera inspection of materials produced under subpoena to
73 determine whether the materials contain evidence that is
74 exculpatory to the defendant. If the court determines that the
75 materials produced contain evidence that is exculpatory to the
76 defendant, the court shall present the evidence to the defendant
77 in a form that does not disclose the identity of the person who
78 was the source of the evidence, unless the state or federal
79 constitution requires the disclosure of that person's identity.
80 The court shall execute an affidavit accompanying the disclosed
81 materials swearing that, in the opinion of the court, the
82 materials disclosed represent the exculpatory evidence the
83 defendant is entitled to receive under this section. The court
84 shall return to the council or to the local crime stoppers program
85 materials that are produced under this section but not disclosed
86 to the defendant. The council or local crime stoppers program
87 shall store the materials until the conclusion of the criminal
88 trial and the expiration of the time for all direct appeals in the
89 case.

90 **SECTION 4.** This act shall take effect and be in force from
91 and after July 1, 2002.

