

By: Representative Smith (39th)

To: Judiciary B

HOUSE BILL NO. 1495

1 AN ACT TO AMEND SECTIONS 45-29-1 AND 45-29-3, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT CERTAIN CRIMINAL RECORD INFORMATION  
3 SHALL NOT BE EXEMPT FROM THE PUBLIC RECORDS ACT; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 45-29-1, Mississippi Code of 1972, is  
7 amended as follows:

8 45-29-1. (1) Records in the possession of a public body, as  
9 defined by paragraph (a) of Section 25-61-3, which are not  
10 otherwise protected by law, that (i) are compiled in the process  
11 of detecting and investigating any unlawful activity or alleged  
12 unlawful activity, the disclosure of which would harm such  
13 investigation; (ii) would reveal the identity of informants; (iii)  
14 would prematurely release information that would impede the public  
15 body's enforcement, investigative or detection efforts in such  
16 proceedings; (iv) would disclose investigatory techniques; (v)  
17 would deprive a person of a right to a fair trial or an impartial  
18 adjudication; (vi) would endanger the life or safety of a public  
19 official or law enforcement personnel; or (vii) are matters  
20 pertaining to quality control or PEER review activities, shall be  
21 exempt from the provisions of the Mississippi Public Records Act  
22 of 1983.

23 (2) Nothing in this section shall be construed to prevent  
24 any and all public bodies from having among themselves a free flow  
25 of information for the purpose of achieving a coordinated and  
26 effective detection and investigation of unlawful activity. Where  
27 the confidentiality of records covered by this section is being  
28 determined in a private hearing before a judge as provided for by

29 subsection (2) of Section 25-61-13, the public body may delete or  
30 separate from such records the identity of confidential informants  
31 or the identity of the person or persons under investigation.

32 (3) However, the following information related to the arrest  
33 of an individual shall not be exempt from the Public Records Act:  
34 the name of the individual charged, the date of the offense or  
35 charge and the facts supporting the offense.

36 **SECTION 2.** Section 45-29-3, Mississippi Code of 1972, is  
37 amended as follows:

38 45-29-3. The following records shall be exempt from the  
39 provisions of the Mississippi Public Records Law of 1983:

40 (a) Records which are in the possession of a public  
41 body, as defined by paragraph (a) of Section 25-61-3, that  
42 performs as one of its principal functions activities pertaining  
43 to the enforcement of criminal laws, the apprehension of criminal  
44 offenders or the investigation of criminal offenders and/or  
45 criminal activities, and which records consist of information  
46 compiled for the purpose of a criminal investigation, including  
47 reports of informants and investigators, and associated with an  
48 identifiable individual; and

49 (b) Personal information of victims, including victim  
50 impact statements and letters of support on behalf of victims that  
51 are contained in records on file with the Mississippi Department  
52 of Corrections and State Parole Board.

53 (c) However, the following information related to the  
54 arrest of an individual shall not be exempt from the Public  
55 Records Act: the name of the individual charged, the date of the  
56 offense or charge and the facts supporting the offense.

57 **SECTION 3.** This act shall take effect and be in force from  
58 and after July 1, 2004.