

By: Senator(s) England

To: Judiciary, Division B

SENATE BILL NO. 2420

1 AN ACT TO CREATE A PUBLIC REGISTRY OF OFFENDERS WHOSE CRIMES  
 2 INVOLVED THE EMBEZZLEMENT OR MISAPPROPRIATION OF PUBLIC FUNDS; TO  
 3 DEFINE TERMS; TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO CREATE  
 4 A REGISTRY OF OFFENDERS; TO REQUIRE RESPONSIBLE AGENCIES TO  
 5 FORWARD CERTAIN INFORMATION TO THE DEPARTMENT; TO REQUIRE  
 6 OFFENDERS TO REPORT TO THE DEPARTMENT WITHIN A PRESCRIBED  
 7 TIMEFRAME; TO AUTHORIZE THE DEPARTMENT TO PROMULGATE RULES FOR THE  
 8 IMPLEMENTATION OF THE ACT; TO AMEND SECTION 25-1-113, MISSISSIPPI  
 9 CODE OF 1972, TO PROHIBIT LOCAL GOVERNMENTS FROM HIRING PERSONS ON  
 10 THE REGISTRY FOR CERTAIN POSITIONS; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** For purposes of Sections 1 through 6 of this act,  
 13 unless the context requires otherwise, the following terms shall  
 14 have the meanings ascribed herein:

15 (a) "Conviction" means a judgment entered by a  
 16 Mississippi court upon a plea of guilty, a plea of nolo  
 17 contendere, or a finding of guilt by a jury or the court,  
 18 notwithstanding any pending appeal or habeas corpus proceeding  
 19 arising from the judgment. "Conviction" includes a disposition of  
 20 pretrial diversion or nonadjudication under Section 99-15-26.

21 (b) "Department" means the Department of Public Safety.



22 (c) "Offender" means a person convicted of a  
23 registrable offense.

24 (d) "Registrable offense" means a crime chargeable  
25 under Sections 97-7-10, 97-11-25 through 97-11-31, 97-15-3,  
26 97-15-5, 97-11-11, 97-11-13, 97-11-53, 97-13-1, 97-13-3, or any  
27 crime that involves the embezzlement or misappropriation of public  
28 funds as determined by the circuit court in its sentencing order  
29 upon conviction.

30 (e) "Registrant" means a person who is registered in  
31 compliance with this act.

32 **SECTION 2.** (1) The department shall post a publicly  
33 accessible registry online of all offenders by July 1, 2024.

34 (2) (a) The list must include the offender's full legal  
35 name, any aliases by which the offender is or has been known,  
36 including any online or internet identifiers and the offender's  
37 date of birth.

38 (b) The list shall not include the offender's social  
39 security number, driver's license number, any other state or  
40 federal identification number, physical address or telephone  
41 numbers.

42 (3) (a) No offender shall be removed from the registry  
43 unless and until all fines, penalties and restitution resulting  
44 from conviction have been paid and proof of same provided to the  
45 department.



46 (b) If the offender is not convicted of another  
47 registrable offense while listed and if all fines, penalties and  
48 restitution have been paid, the department shall remove the  
49 offender's information from the list after either five (5) years  
50 from the date of the offender's conviction or five (5) years from  
51 the date of an offender's release from physical incarceration,  
52 whichever is later.

53 (c) Notwithstanding paragraphs (a) and (b) of this  
54 subsection, a person who has served any sentence imposed and paid  
55 all fines, penalties and any restitution ordered may petition the  
56 department to be removed from the list after the satisfaction of  
57 the conditions of this paragraph (c). Upon receipt and  
58 confirmation of a true and correct petition, the department shall  
59 remove the offender from the registry.

60 **SECTION 3.** (1) The department shall maintain the registry  
61 on the internet, which shall contain a disclaimer informing the  
62 public that:

63 (a) The information contained on the website is  
64 obtained from public records, and the department does not  
65 guarantee the website's accuracy or completeness;

66 (b) The list only includes persons convicted in  
67 Mississippi state courts of a limited list of crimes. Persons who  
68 are convicted in any federal court, or who are convicted of a  
69 crime other than a registrable offense will not appear on the  
70 registry.



71 (2) The department and any individual or entity acting at  
72 the request or upon the direction of the department are immune  
73 from civil liability for damages arising from reporting  
74 information under this act and will be presumed to have acted in  
75 good faith in performing its duties under this act.

76 **SECTION 4.** Upon the entry of the order sentencing the  
77 offender to probation or parole or upon the date of release of the  
78 offender from the physical custody of the responsible agency, the  
79 responsible agency shall forward the department a copy of the  
80 conviction, sentencing order, name, sex and date of birth of the  
81 offender convicted of a registrable offense under this act.

82 **SECTION 5.** An offender required to register on the basis of  
83 a conviction entered shall register with the responsible agency  
84 within thirty (30) business days of the date of judgment unless  
85 the offender is immediately confined or committed, in which case  
86 the offender shall register before release in accordance with the  
87 procedures established by the department. The responsible agency  
88 shall immediately forward the registration information to the  
89 department.

90 **SECTION 6.** The department shall promulgate rules in  
91 accordance with the Mississippi Administrative Procedures Law,  
92 Title 25, Chapter 43, Mississippi Code of 1972, to effectuate the  
93 purposes of this act.

94 **SECTION 7.** Section 25-1-113, Mississippi Code of 1972, is  
95 amended as follows:



96           25-1-113. (1) From and after July 1, 2013, the state and  
97 any county, municipality or any other political subdivision shall  
98 not employ a person who has been convicted or pled guilty in any  
99 court of this state, another state, or in federal court of any  
100 felony in which public funds were unlawfully taken, obtained or  
101 misappropriated in the abuse or misuse of the person's office or  
102 employment or money coming into the person's hands by virtue of  
103 the person's office or employment.

104           (2) From and after July 1, 2014, the state and any county,  
105 municipality or any other political subdivision shall not employ  
106 or continue to employ a person who has been convicted or pled  
107 guilty in any court of this state, another state, or in federal  
108 court of any felony in which public funds were unlawfully taken,  
109 obtained or misappropriated in the abuse or misuse of the person's  
110 office or employment or money coming into the person's hands by  
111 virtue of the person's office or employment.

112           (3) From and after July 1, 2023, the state and any county,  
113 municipality or any other political subdivision shall not hire any  
114 person who appears on the registry created in Sections 1 through 6  
115 of this act for any position in accounting, or in a treasury or  
116 registrar office, or in any office where monies are collected or  
117 received directly from rate or fee payers.

118           **SECTION 8.** This act shall take effect and be in force from  
119 and after July 1, 2023.

