

By: Senator(s) Barrett

To: Judiciary, Division B;
Appropriations

SENATE BILL NO. 2240

1 AN ACT TO CREATE NEW SECTION 45-27-22, MISSISSIPPI CODE OF
 2 1972, TO REQUIRE THE MISSISSIPPI JUSTICE INFORMATION CENTER TO
 3 ESTABLISH A MISDEMEANOR WARRANT MANAGEMENT SYSTEM TO ENABLE
 4 CRIMINAL JUSTICE AGENCIES TO ELECTRONICALLY TRACK MISDEMEANOR
 5 WARRANTS BETWEEN JURISDICTIONS AS THE WARRANTS ARE ISSUED, SERVED
 6 AND RECALLED; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO
 7 PROMULGATE RULES AND REGULATIONS; TO REQUIRE ALL CRIMINAL JUSTICE
 8 AGENCIES AND THE ADMINISTRATIVE OFFICE OF COURTS TO ASSIST THE
 9 MISSISSIPPI JUSTICE INFORMATION CENTER AND THE DEPARTMENT OF
 10 PUBLIC SAFETY IN THE ESTABLISHMENT OF THE MISDEMEANOR WARRANT
 11 MANAGEMENT SYSTEM; TO AMEND SECTIONS 45-27-1, 45-27-3, 45-27-7,
 12 45-27-12 AND 9-21-3, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR
 13 RELATED PURPOSES.

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

15 **SECTION 1.** The following shall be codified as Section
 16 45-27-22, Mississippi Code of 1972:

17 45-27-22. (1) The center shall establish a misdemeanor
 18 warrant management system to enable criminal justice agencies to
 19 electronically track misdemeanor warrants between jurisdictions as
 20 the warrants are issued, served and recalled. The misdemeanor
 21 warrant system shall be available for use by criminal justice
 22 agencies no later than January 1, 2025.



23 (2) The department shall promulgate any rules and
24 regulations necessary to implement the misdemeanor warrant
25 management system.

26 (3) All criminal justice agencies and the Administrative
27 Office of Courts shall assist the center and the department in the
28 establishment of the misdemeanor warrant management system.

29 **SECTION 2.** Section 45-27-1, Mississippi Code of 1972, is
30 amended as follows:

31 45-27-1. The Legislature finds and declares that a more
32 effective administrative structure now is required to control the
33 collection, storage, dissemination and use of criminal offender
34 record information. These improvements in the organization and
35 control of criminal offender record keeping are imperative both to
36 strengthen the administration of criminal justice and to assure
37 appropriate protection of rights of individual privacy. The
38 purposes of this chapter are (a) to control and coordinate
39 criminal offender record keeping within this state; (b) to assure
40 periodic reporting to the Governor and Legislature concerning such
41 record keeping; (c) to enable criminal justice agencies to track
42 misdemeanor warrants between jurisdictions as the warrants are
43 issued, served and recalled; and (* * *d) to establish a more
44 effective administrative structure for the collection,
45 maintenance, retrieval and dissemination of criminal history
46 record information described in this chapter, consistent with
47 those principles of scope and security prescribed by this chapter,



48 and to facilitate the practical use of criminal offender record
49 information within the criminal justice system.

50 **SECTION 3.** Section 45-27-3, Mississippi Code of 1972,
51 is amended as follows:

52 45-27-3. For the purposes of this chapter, the following
53 words shall have the meanings ascribed to them in this section
54 unless the context requires otherwise:

55 (a) "Criminal justice agencies" means public agencies
56 at all levels of government which perform as their principal
57 function activities relating to the apprehension, prosecution,
58 adjudication or rehabilitation of criminal offenders.

59 (b) "Offense" means an act which is a felony or a
60 misdemeanor.

61 (c) "Justice information system" means those agencies,
62 procedures, mechanisms, media and forms, as well as the
63 information itself, which are or become involved in the
64 origination, transmittal, storage, retrieval and dissemination of
65 information related to reported offenses and offenders, and the
66 subsequent actions related to the events or persons.

67 (d) "Criminal justice information" means the following
68 classes of information:

69 (i) "Secret data," which includes information
70 dealing with those elements of the operation and programming of
71 the Mississippi Justice Information Center computer system and the
72 communications network and satellite computer systems handling



73 criminal justice information which prevents unlawful intrusion
74 into the system.

75 (ii) "Criminal history record information," which
76 means information collected by criminal justice agencies on
77 individuals consisting of identifiable descriptions and notations
78 of arrests, detentions, indictments, affidavits, information or
79 other formal charges and any disposition arising therefrom,
80 sentencing, correctional supervision and release. The term does
81 not include identification information such as fingerprint records
82 or images to the extent that the information does not indicate
83 involvement of the individual in the criminal justice system.

84 (iii) "Sensitive data," which contains statistical
85 information in the form of reports, lists and documentation which
86 may identify a group characteristic, such as "white" males or
87 "stolen" guns.

88 (iv) "Restricted data," which contains information
89 relating to data-gathering techniques, distribution methods,
90 manuals and forms.

91 (v) "Law enforcement agency" or "originating
92 agency" or "agency" which includes a governmental unit or agency
93 composed of one or more persons employed full time or part time by
94 the state as a political subdivision thereof for the following
95 purposes: (A) the administration of criminal justice, which
96 includes the prevention and detection of crime; the apprehension,
97 pretrial release, post-trial release, prosecution, adjudication,



98 correctional supervision or rehabilitation of accused persons or
99 criminal offenders; or the collection, storage and dissemination
100 of criminal history record information; or (B) the enforcement of
101 state laws or local ordinances, which includes making arrests for
102 crimes while acting within the scope of their authority. The
103 agency must perform one or more of the above-described criminal
104 justice duties and allocate a substantial part of its annual
105 budget to the administration of criminal justice.

106 (e) "Center" means the Mississippi Justice Information
107 Center or the Mississippi Criminal Information Center.

108 (f) "Department" means the Mississippi Department of
109 Public Safety.

110 (g) "Conviction information" means criminal history
111 record information disclosing that a person was found guilty of,
112 or has pleaded guilty or nolo contendere to, a criminal offense in
113 a court of law, together with any sentencing information. This
114 includes a conviction in a federal or military tribunal, including
115 a court martial conducted by the Armed Forces of the United
116 States, or a conviction for an offense committed on an Indian
117 Reservation or other federal property, or any court of a state of
118 the United States.

119 (h) "Nonconviction information" means arrest without
120 disposition information if an interval of one (1) year has elapsed
121 from the date of arrest and no active prosecution for the charge
122 is pending, as well as all acquittals and all dismissals.



123 (i) "Arrest card" means the initial law enforcement
124 agency documentation of an arrest, whether in physical or digital
125 form, including fingerprint information.

126 (j) "Disposition form" means the form prescribed by
127 rule of the Justice Information Center for a court or law
128 enforcement agency to report the disposition of the case of a
129 person who has been arrested.

130 (k) "Disposition" means the outcome of the case of a
131 person who was arrested and includes, without limitation:

- 132 (i) Nonadjudication;
- 133 (ii) A verdict or plea of guilt;
- 134 (iii) A plea of nolo contendere;
- 135 (iv) A verdict of not guilty;
- 136 (v) Dismissal;
- 137 (vi) Nolle prosequi;
- 138 (vii) Remand to the file;
- 139 (viii) Expunction; or
- 140 (ix) An appeal.

141 (l) "Misdemeanor warrant management system" means the
142 warrant system established by the center as provided in Section
143 45-27-22 to include those agencies, procedures, mechanisms, media
144 and forms, as well as the information itself, which are or become
145 involved in the origination, transmittal, storage, retrieval and
146 dissemination of information related to misdemeanor warrants.



147 **SECTION 4.** Section 45-27-7, Mississippi Code of 1972, is
148 amended as follows:

149 45-27-7. (1) The Mississippi Justice Information Center
150 shall:

151 (a) Develop, operate and maintain an information system
152 which will support the collection, storage, retrieval and
153 dissemination of all data described in this chapter, consistent
154 with those principles of scope, security and responsiveness
155 prescribed by this chapter.

156 (b) Cooperate with all criminal justice agencies within
157 the state in providing those forms, procedures, standards and
158 related training assistance necessary for the uniform operation of
159 the statewide center.

160 (c) Offer assistance and, when practicable, instruction
161 to all local law enforcement agencies in establishing efficient
162 local records systems.

163 (d) Make available, upon request, to all local and
164 state criminal justice agencies, to all federal criminal justice
165 agencies and to criminal justice agencies in other states any
166 information in the files of the center which will aid such
167 agencies in the performance of their official duties. For this
168 purpose the center shall operate on a twenty-four-hour basis,
169 seven (7) days a week. Such information, when authorized by the
170 director of the center, may also be made available to any other
171 agency of this state or any political subdivision thereof and to



172 any federal agency, upon assurance by the agency concerned that
173 the information is to be used for official purposes only in the
174 prevention or detection of crime or the apprehension of criminal
175 offenders.

176 (e) Cooperate with other agencies of this state, the
177 crime information agencies of other states, and the national crime
178 information center systems of the Federal Bureau of Investigation
179 in developing and conducting an interstate, national and
180 international system of criminal identification and records.

181 (f) Make available, upon request, to nongovernmental
182 entities or employers certain information for noncriminal justice
183 purposes as specified in Section 45-27-12.

184 (g) Institute necessary measures in the design,
185 implementation and continued operation of the justice information
186 system to ensure the privacy and security of the system. Such
187 measures shall include establishing complete control over use of
188 and access to the system and restricting its integral resources
189 and facilities and those either possessed or procured and
190 controlled by criminal justice agencies. Such security measures
191 must meet standards developed by the center as well as those set
192 by the nationally operated systems for interstate sharing of
193 information.

194 (h) Provide data processing for files listing motor
195 vehicle drivers' license numbers, motor vehicle registration
196 numbers, wanted and stolen motor vehicles, outstanding warrants,



197 identifiable stolen property and such other files as may be of
198 general assistance to law enforcement agencies; provided, however,
199 that the purchase, lease, rental or acquisition in any manner of
200 "computer equipment or services," as defined in Section 25-53-3,
201 Mississippi Code of 1972, shall be subject to the approval of the
202 Mississippi Information Technology Services.

203 (i) Maintain a field coordination and support unit
204 which shall have all the power conferred by law upon any peace
205 officer of this state.

206 (j) Establish the misdemeanor warrant management system
207 as provided in Section 45-27-22.

208 (2) The department, including the investigative division or
209 the center, may:

210 (a) Obtain and store fingerprints, descriptions,
211 photographs and any other pertinent identifying data from crime
212 scenes and on persons who:

213 (i) Have been or are hereafter arrested or taken
214 into custody in this state:

- 215 1. For an offense which is a felony;
- 216 2. For an offense which is a misdemeanor;
- 217 3. As a fugitive from justice; or

218 (ii) Are or become habitual offenders; or

219 (iii) Are currently or become confined to any
220 prison, penitentiary or other penal institution; or



221 (iv) Are unidentified human corpses found in the
222 state; or

223 (v) Have submitted fingerprints for conducting
224 criminal history record checks.

225 (b) Compare all fingerprint and other identifying data
226 received with that already on file and determine whether or not a
227 criminal record is found for such person, and at once inform the
228 requesting agency or arresting officer of those facts that may be
229 disseminated consistent with applicable security and privacy laws
230 and regulations. A record shall be maintained for a minimum of
231 one (1) year of the dissemination of each individual criminal
232 history, including at least the date and recipient of such
233 information.

234 (c) Establish procedures to respond to those
235 individuals who file requests to review their own records,
236 pursuant to Sections 45-27-11 and 45-27-12, and to cooperate in
237 the correction of the central center records and those of
238 contributing agencies when their accuracy has been successfully
239 challenged either through the related contributing agencies or by
240 court order issued on behalf of an individual.

241 (d) Retain in the system the fingerprints of all law
242 enforcement officers and part-time law enforcement officers, as
243 those terms are defined in Section 45-6-3, any fingerprints sent
244 by the Mississippi State Department of Health, and of all
245 applicants to law enforcement agencies.



246 (3) There shall be a presumption that a copy of any document
247 submitted to the center in accordance with the provisions of
248 Section 45-27-9 that has been processed as set forth in this
249 chapter and subsequently certified and provided by the center to a
250 law enforcement agency or a court shall be admissible in any
251 proceeding without further authentication unless a person
252 objecting to that admissibility has successfully challenged the
253 document under the provisions of Section 45-27-11.

254 **SECTION 5.** Section 45-27-12, Mississippi Code of 1972, is
255 amended as follows:

256 45-27-12. (1) State conviction information and arrest
257 information which is contained in the center's database or the
258 nonexistence of such information in the center's database shall be
259 made available for the following noncriminal justice purposes:

260 (a) To any local, state or federal governmental agency
261 that requests the information for the enforcement of a local,
262 state or federal law;

263 (b) To any individual, nongovernmental entity or any
264 employer authorized either by the subject of record in writing or
265 by state or federal law to receive such information; and

266 (c) To any federal agency or central repository in
267 another state requesting the information for purposes authorized
268 by law.

269 (2) State conviction information and arrest information
270 which is contained in the center's misdemeanor warrant management



271 system or the nonexistence of such information in the center's
272 misdemeanor warrant management system shall be made available for
273 the following criminal justice purposes to any local, state or
274 federal governmental agency, to include criminal justice agencies,
275 that requests the information.

276 (* * *3) Information disseminated for noncriminal justice
277 purposes as specified in this section shall be used only for the
278 purpose for which it was made available and may not be
279 re-disseminated.

280 (* * *4) No agency or individual shall confirm the
281 existence or nonexistence of criminal history record information
282 to any person or organization that would not be eligible to
283 receive the information pursuant to this section.

284 (* * *5) Upon request for a check pursuant to this section,
285 the nongovernmental entity or employer must provide proper
286 identification and authorization information from the subject of
287 the record to be checked and adhere to policies established by the
288 center for such record checks.

289 (* * *6) Any individual or his attorney who is the subject
290 of the record to be checked, upon positive verification of the
291 individual's identity, may request to review the disseminated
292 information and shall follow the procedure set forth in Section
293 45-27-11. If the individual wishes to correct the record as it
294 appears in the center's system, the person shall follow the
295 procedure set forth in Section 45-27-11. The right of a person to



296 review the person's criminal history record information shall not
297 be used by a prospective employer or others as a means to
298 circumvent procedures or fees for accessing records for
299 noncriminal justice purposes.

300 (* * *7) The center may impose procedures, including the
301 submission of fingerprints, fees or restrictions, as are
302 reasonably necessary to assure the record's security, to verify
303 the identities of those who seek to inspect them, and to maintain
304 an orderly and efficient mechanism for access. All fees shall be
305 assessed and deposited in accordance with the provisions of
306 Section 45-27-8.

307 (* * *8) The center shall (a) retain, separate from other
308 division records, personal information, including any
309 fingerprints, sent to it by the Mississippi Department of Health;
310 and (b) notify the Department of Health upon receiving notice that
311 an individual for whom personal information has been retained is
312 the subject of: (i) a warrant for arrest; (ii) an arrest; (iii) a
313 conviction, including a plea in abeyance; or (iv) a pending
314 diversion agreement.

315 (* * *9) The center is authorized to implement the Rap-Back
316 criminal history records check system, and the Department of
317 Health is authorized to implement and to utilize the state/federal
318 Rap-Back criminal history system as a method of ongoing monitoring
319 of individuals providing such care to Mississippi's vulnerable
320 population in "covered" entities including prospective designated



321 caregivers and entities named in the Mississippi Medical Cannabis
322 Act and to apply for and provide matching funds in order for
323 Mississippi to receive federal grants to make necessary upgrades
324 to the department's data systems to accommodate Rap-Back
325 capabilities.

326 (* * *10) Local agencies may release their own agency
327 records according to their own policies.

328 (* * *11) Release of the above-described information for
329 noncriminal justice purposes shall be made only by the center,
330 under the limitations of this section, and such compiled records
331 will not be released or disclosed for noncriminal justice purposes
332 by other agencies in the state.

333 **SECTION 6.** Section 9-21-3, Mississippi Code of 1972, is
334 amended as follows:

335 9-21-3. (1) The Administrative Office of Courts shall be
336 specifically charged with the duty of assisting the Chief Justice
337 of the Supreme Court of Mississippi with his duties as the chief
338 administrative officer of all courts of this state, including,
339 without limitation, the task of insuring that the business of the
340 courts of the state is attended with proper dispatch, that the
341 dockets of such courts are not permitted to become congested and
342 that trials and appeals of cases, civil and criminal, are not
343 delayed unreasonably.

344 (2) The office shall also perform the following duties:



345 (a) To work with the clerks of all youth courts and
346 civil and criminal trial courts in the state to collect, obtain,
347 compile, digest and publish information and statistics concerning
348 the administration of justice in the state.

349 (b) To serve as an agency to apply for and receive any
350 grants or other assistance and to coordinate and conduct studies
351 and projects to improve the administration of justice by the
352 courts of the state, and it may conduct such studies with or
353 without the assistance of consultants.

354 (c) To supply such support to the Judicial Advisory
355 Study Committee necessary to accomplish the purposes of this
356 chapter, including, without limitation, research and clerical
357 assistance.

358 (d) To promulgate standards, rules and regulations for
359 computer and/or electronic filing and storage of all court records
360 and court-related records maintained throughout the state in
361 courts and in offices of circuit and chancery clerks.

362 (e) To assist the Mississippi Justice Information
363 Center and the Department of Public Safety in the establishment of
364 the misdemeanor warrant management system provided for in Section
365 45-27-22.

366 (* * *f) It shall perform such other duties relating
367 to the improvement of the administration of justice as may be
368 assigned by the Supreme Court of Mississippi.



369 **SECTION 7.** This act shall take effect and be in force from
370 and after July 1, 2023.

