

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

TITLE 31: PUBLIC SAFETY

PART 11: OFFENDERS CONVICTED OF CRIMES INVOLVING EMBEZZLEMENT OR MISAPPROPRIATION OF PUBLIC FUNDS REGISTRY ADMINISTRATIVE CODE

Part 11 Chapter 1 Registry Overview

Rule 1.1. Statutory Authority and Purpose

1. This document promulgates the Embezzlement or Misappropriation of Public Funds Registry rules adopted by the Department of Public Safety, Criminal Information Center (CIC).
2. The Department of Public Safety shall establish and post a publicly accessible registry online of all offenders by July 1, 2024.
3. The department shall promulgate rules in accordance with the Mississippi Administrative Procedures Law, Title 25, Chapter 43, Mississippi Code of 1972, to effectuate the purposes of this chapter.

Source: *Miss. Code Ann. § 45-34-1, et seq.*

Rule 1.2 Definitions

1. “Conviction” means a judgment entered by a Mississippi court upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. “Conviction” includes a disposition by nonadjudication under Section 99-15-26.
2. “Department” means the Department of Public Safety.
3. “Registrable offense” means a crime chargeable under Sections 97-7-10, 97-11-25 through 97-11-31, 97-15-3, 97-15-5, 97-11-11, 97-11-13, 97-11-53, 97-13-1, 97-13-3, or any crime that involves the embezzlement or misappropriation of public funds as determined by the circuit court in its sentencing order upon conviction.
4. “Registrant” means a person who is registered in compliance with this chapter.

Source: *Miss. Code Ann. § 45-34-1, et seq.*

Part 11 Chapter 2 Publicly Accessible Registry

Rule 2.1. Information

1. The department shall post a publicly accessible registry online of all offenders.
2. The list must include:
 - a. the offender's full legal name,
 - b. any aliases by which the offender is or has been known, including any online or internet identifiers and
 - c. the offender's date of birth.
3. The list shall not include
 - a. the offender's social security number,
 - b. driver's license number,
 - c. any other state or federal identification number, physical address or
 - d. telephone numbers.

Source: *Miss. Code Ann. § 45-34-3*

Rule 2.2 Responsible Agency Duties

1. The arresting agency is required to submit the arrest/fingerprint card to CIC and the disposition sheet to the prosecutor. Upon conclusion of the case, the prosecutor completes the disposition sheet and forwards it to the Clerk of the Court along with the sentencing order. Upon final disposition, the Clerk or the Prosecutor must return the Disposition Sheet to CIC. The same procedure provided in Part 2 Chapter 5 Special Processing Unit of Title 31 Part 2 Criminal Information Center Administrative Code shall be followed.
2. The court entering the conviction is required to report all charging and dispositional information to CIC and is required to submit all dispositions to CIC for entry into the Mississippi Criminal History System.
3. Upon the entry of the order sentencing the offender to probation or parole or upon the date of release of the offender from the physical custody of the responsible agency, the responsible agency shall forward the department a copy of the conviction, sentencing order, name, sex and date of birth of the offender convicted of a registrable offense under this chapter.
4. All information required by section 3 (above) must be submitted to CIC at the following address:

Mississippi Criminal Information Center
ATTN: Embezzlement or Misappropriation of Public Funds Registry

3891 Highway 368 West
Pearl, Mississippi 39208

Source: *Miss. Code Ann. § 45-27-9 and 45-34-7 et seq.*

Rule 2.2 Collection of Information

1. All incoming mail for the Registry is received, date stamped, scanned and saved to the Embezzlement or Misappropriation of Public Funds Registry file. Upon receipt, the information is reviewed for accuracy and completeness.
2. If any information is incomplete, missing, or unsigned, the staff will contact the responsible court and request a corrected form including missing items or information to be sent within 14 business days of the initial contact. The file is placed in pending status until the information is received.
3. The required information may be submitted to CIC in person, or by U.S. Postal Mail.

Source: *Miss. Code Ann. § 45-27-9 and 45-34-7 et seq.*

Rule 2.3 Disclaimer

1. The department shall maintain the registry on the internet, which shall contain a disclaimer informing the public that:
 - a. The information contained on the website is obtained from public records, and the department does not guarantee the website's accuracy or completeness;
 - b. The list only includes persons convicted in Mississippi state courts of a limited list of crimes. Persons who are convicted in any federal court, or who are convicted of a crime other than a registrable offense will not appear on the registry.
2. The department and any individual or entity acting at the request or upon the direction of the department are immune from civil liability for damages arising from reporting information under this chapter and will be presumed to have acted in good faith in performing its duties under this chapter.

Source: *Miss. Code Ann. § 45-27-9 and § 45-34-5*

Rule 2.4 Persons Required to Register within thirty (30) business days

1. An offender required to register on the basis of a conviction entered shall register with the responsible agency within thirty (30) business days of the date of judgment unless the offender is immediately confined or committed, in which case the offender shall register before release in accordance with the procedures established by the department. The responsible agency shall immediately forward the registration information to the department.

Source: Miss. Code Ann. § 45-34-9

Rule 2.6 Removal

1. No offender shall be removed from the registry unless and until all fines, penalties and restitution resulting from conviction have been paid and proof of same provided to the department.
2. If the offender is not convicted of another registrable offense while listed and if all fines, penalties and restitution have been paid, the department shall remove the offender's information from the list after either five (5) years from the date of the offender's conviction or five (5) years from the date of an offender's release from physical incarceration, whichever is later.
3. Notwithstanding paragraphs (1) and (2) of this subsection, a person who has served any sentence imposed and paid all fines, penalties and any restitution ordered may petition the department to be removed from the list after the satisfaction of the conditions of this paragraph (3).
4. Upon receipt and confirmation of a true and correct petition, the department shall remove the offender from the registry.
5. The individual will submit his or her request to:

Mississippi Criminal Information Center
ATTN: Embezzlement or Misappropriation of Public Funds Registry
3891 Highway 368 West
Pearl, Mississippi 39208

Source: Miss. Code Ann. § 45-34-3