

## **Chapter 1**

### **MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY CRIMINAL INFORMATION CENTER ADMINISTRATIVE POLICIES**

#### **Mississippi Criminal Information Center Policy: 1.001**

##### **1.001.01 General Overview**

1. Pursuant to *Miss. Code Ann.* Sections 25-43-5(1)(b), 45-1-21, 45-27-7, 45-27-11, and other such points of law that may be applicable, the Mississippi Justice Information Center promulgates the following rules and procedures.
2. *Miss. Code Ann.* § 45-27-5 establishes within the Department of Public Safety (DPS) a system for the communication of vital information relating to crimes, criminals, and criminal activity which is known as the Mississippi Justice Information Center. This Center is generally referred to as the Criminal Information Center (CIC), and will be referred to as CIC or the Center throughout this manual. Any statutory responsibilities of the MJIC or DPS that are performed by the CIC will be referenced as CIC or the Center.
3. The Center was established to serve as the state records repository and to provide fingerprint-based identification services to law enforcement and other criminal justice entities in the State of Mississippi and throughout the United States. The mission of the Center is to maintain a state-of-the-art records repository and to perform the duties and functions as set out in *Miss. Code Ann.* §45-27-7.  
*Statutory Authority:* *Miss. Code Ann.* Sections 45-27-5 through 45-27-7.

## **Chapter 2**

#### **Mississippi Criminal Information Center Policy: 2.001**

##### **2.001.01 Organizational Structure General Provision**

1. The Center is comprised of several different units, each of which performs specific functions. A brief description of each unit and its functions follows.

#### **Mississippi Criminal Information Center Policy: 2.002**

##### **2.002.01 Special Processing Unit**

1. The Special Processing Unit was created in order to facilitate the numerous responsibilities of the Criminal Information Center. This unit is primarily responsible for the following tasks:
  - a. Reviewing and processing arrest and applicant fingerprint cards manually submitted to the Center
  - b. Processing disposition records manually submitted to the Center
  - c. Processing expunction orders received from the courts (purge record orders)
  - d. Processing requests for pretrial intervention program acceptance

- e. Conducting criminal records checks

### **Mississippi Criminal Information Center Policy: 2.003**

#### 2.003.01 Sex Offenders Registry Unit

1. This unit maintains the Mississippi Sex Offenders Registry. All registration information submitted by sheriffs' offices and other state and federal law enforcement agencies are reviewed and entered into the Registry database. Quarterly verification letters are sent to registered offenders to verify current information including address, telephone number, place of employment, address of employment and any other information subject to verification.

### **Mississippi Criminal Information Center Policy: 2.004**

#### 2.004.01 Applicant Fingerprint Processing Unit

1. The Applicant Fingerprint Processing Unit is responsible for processing applicant background checks by fingerprints. The fingerprint cards are submitted to the Unit which performs a state check and then forwards the card to the FBI for a nationwide check. Results are submitted to the requesting state agency for a determination of fitness for employment.

### **Mississippi Criminal Information Center Policy: 2.005**

#### 2.005.01 Data Entry Unit

1. This Unit is responsible for entering all criminal records into the MCHS database. This includes entering information from the arrest fingerprint cards and scanning the cards into the system.

### **Mississippi Criminal Information Center Policy: 2.006**

#### 2.006.01 AFIS

1. This Unit maintains the Automated Fingerprint Identification System. Fingerprints from arrest records are maintained in this system, which provides fingerprint-based identification linking arrests to prior criminal history records. The personnel in this unit also fingerprint individuals. This system is interfaced with the FBI's AFIS system. Records passed to the IAFIS are automatically indexed in III.

### **Mississippi Criminal Information Center Policy: 2.007**

#### 2.007.01 MJIC

1. The MJIC Unit is responsible for maintaining Mississippi's Law Enforcement Network which connects Mississippi agencies to agencies nationwide. The MJIC Network provides connectivity to:
  - a. National Crime Information Center (Hot Files)
  - b. III system
  - c. National Law Enforcement Telecommunications System
  - d. Mississippi State Tax Commission (vehicle information)
  - e. Mississippi Drivers License information
2. MJIC law requires local law enforcement agencies to report stolen property and wanted or missing persons to MJIC via the MJIC Network. Control terminal operators are on duty twenty-four (24) hours per day to monitor the status of the network, provide assistance to law enforcement agencies, and provide quality control on all entries made by local agencies. Control terminal operators also route administrative NLETS traffic to Mississippi agencies.

### **Chapter 3**

#### **Mississippi Criminal Information Center Policy: 3.001**

##### **3.001.01 General Provision**

1. The Center maintains several different computer systems which enable it to respond to various requests and to perform other duties. A brief overview of the systems maintained and/or accessed by the Center is provided below.

#### **Mississippi Criminal Information Center Policy: 3.002**

##### **3.002.01 Enhanced Central Criminal History (ECCH) System**

1. All arrest reports and fingerprint cards are entered into the Mississippi Criminal History System (MCHS) either manually by the Center's Data Entry Unit or electronically via live scan from local law enforcement entities. These records are stored on the Enhanced Central Criminal History (ECCH) computer system.

#### **Mississippi Criminal Information Center Policy: 3.003**

##### **3.003.01 Interstate Identification Index (III)**

1. All states submit records of felony and serious misdemeanor arrests to the Federal Bureau of Investigation (FBI). The FBI maintains a national data base of these records known as the Interstate Identification Index or III system. The III is an index system which can be used to identify the state in which an arrest occurred.

2. Mississippi maintains its own detailed criminal records in the ECCH system. These records are electronically transmitted to the III system. Expunction orders are also forwarded to the FBI for expunction of records in the III system.

#### **Mississippi Criminal Information Center Policy: 3.004**

##### 3.004.01 Pretrial Intervention Program

1. The pretrial intervention program database is a PC-based program which maintains a record of each person accepted into the pretrial intervention program and tracks the individual's progress in the program.

#### **Mississippi Criminal Information Center Policy: 3.005**

##### 3.005.01 Automated Fingerprint Identification System (AFIS)

1. AFIS is a computerized fingerprint system which is linked to the ECCH system. This system is used to compare fingerprints maintained in the system at the time arrest records are submitted. The suspect's fingerprints establish positive identification linking the arrest to previous criminal history records information.

#### **Mississippi Criminal Information Center Policy: 3.006**

##### 3.006.01 National Crime Information Center (NCIC)

1. The FBI maintains a database of wanted individuals, missing persons, stolen items, and other similar types of items. Mississippi's records interface with this system. The Center has access to the NCIC system through the Mississippi Justice Information Center.

#### **Mississippi Criminal Information Center Policy: 3.007**

##### 3.007.01 Mississippi Sex Offense Registry (MSOR)

1. The MSOR is a computerized database used to register and maintain information on all convicted sex offenders residing in the state of Mississippi as specified in *Miss. Code Ann.* Sections 45-33-21 *et seq.*

## **Chapter 4**

#### **Mississippi Criminal Information Center Policy: 4.001**

##### 4.001.01 Policy

1. All criminal justice agencies in Mississippi are required to submit to CIC fingerprints, descriptions, photographs, and other identifying information on individuals who have

been lawfully arrested or taken into custody in this state for all felonies and certain misdemeanors described in *Miss. Code Ann.* Section 45-27-7(2)a.

2. The designated CIC unit reviews and enters this data into the Mississippi Criminal History system. This information is then made available to all local, state, and federal criminal justice agencies. Other agencies or persons, as authorized by specific state or federal statutes, may also access this information (refer to Section 8.0).

*Statutory Authority: Miss. Code Ann.* Sections 45-27-7 and 45-27-9.

## **Mississippi Criminal Information Center Policy: 4.002**

### 4.002.01 Procedure

1. The Special Processing Unit receives all Arrest Cards and reviews them for accuracy and completion. The cards are then submitted to the Data Entry Unit for entry into the computer system.

## **Mississippi Criminal Information Center Policy: 4.003**

### 4.003.01 Review Criteria

1. The arrest fingerprint cards are reviewed as follows. The items listed below are mandatory fields; if they are left blank, the card is returned to the submitting jurisdiction. A sample fingerprint card with these required fields is provided as Section 4.0.1.
  - a. Side 1 of the Fingerprint Card (the side with the Arrest Tracking Number in the upper right corner)
    - i. Last Name, First Name, Middle Name, Suffix
    - ii. Date Of Birth
    - iii. Sex
    - iv. Race
    - v. Eyes
    - vi. Hair
  - b. Side 2 of the Fingerprint Card
    1. Juvenile Fingerprint: Indicates if the individual is an adult or juvenile treated as an adult.
    2. Date Of Arrest
    3. Arresting Agency ORI Name and Address
    4. Place Of Birth
    5. Country Of Citizenship
    6. Residence Address, City, State
    7. State Statute: The statute number that references the arrest offense, (for example, 97-3-107).
    8. Charge Description: A description of the offense (for example, stalking).

9. Severity: The severity of the offense using the following choices: felony, misdemeanor, and unknown.
  10. Counts: The number of counts for the offense listed.
  11. Date Of Offense
2. Any missing fields are highlighted and the card is returned with an Arrest Card Resolution Sheet noting the incorrect or missing information. If the majority of the cards have the same errors, only one box is completed on the form. If there are a few cards with the same specific error, the Arrest Tracking Numbers (ATN) are noted on the Resolution Sheet next to the box checked.

#### **Mississippi Criminal Information Center Policy: 4.004**

##### 4.004.01 Processing Correct/Resubmitted Cards

1. Fingerprint cards which contain all the required fields and meet the review criteria are sent to the Data Entry Unit. Cards which are submitted to CIC for the second time by the Center are reviewed only for those fields previously highlighted and submitted to the Data Entry Unit.

#### **Mississippi Criminal Information Center Policy: 4.005**

##### 4.005.01 Juvenile Records Policy

1. *Miss. Code Ann.* Section 45-27-9 requires all criminal justice agencies to submit to the CIC information on persons arrested or taken into custody for felonies and certain misdemeanors. Records involving juveniles and the contents thereof shall be kept confidential and shall not be disclosed except as provided in *Miss. Code Ann.* §43-21-261. However, the following arrests/crimes are maintained in the Center's database even if committed by a juvenile:
  - a. crimes punishable under state or federal law by life imprisonment or death, and
  - b. offenses committed by a child on or after his seventeenth birthday where such offenses would be a felony if committed by an adult.

*Statutory Authority: Miss. Code Ann.* Sections 45-27-9 and 43-21-261.

#### **Mississippi Criminal Information Center Policy: 4.006**

##### 4.006.01 Juvenile Records Procedure

1. The same procedure provided in Section 4.0 of this manual shall be followed for juvenile records.

## **Chapter 5**

#### **Mississippi Criminal Information Center Policy: 5.001**

### 5.001.01 Policy

1. The prosecutor and court are required to report all charging and dispositional information or any case action to CIC and are required to submit all dispositions to CIC for entry into the Mississippi Criminal History System.
2. A white Disposition Sheet is attached to the arrest/fingerprint card. The arresting agency is required to submit the fingerprint card to the CIC and the Disposition Sheet to the prosecutor. Upon conclusion of a 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.

*Statutory Authority: Miss. Code Ann. Section 45-27-9.*

### **Mississippi Criminal Information Center Policy: 5.002**

#### 5.002.01 Procedure

1. The Special Processing Unit receives all Disposition Sheets (the white sheet of the arrest card) and verifies the related arrest records are in the system.
2. Prior to entering a disposition, the designated Technician performs a search in the Mississippi Criminal History System using the arrest tracking number to determine if there is a match in the system. If no record is found, the Disposition Sheet is placed in a file to be rechecked at a later date to determine if a matching record has been entered into the system. If so, the Technician obtains the SID number and records it on the Sheet. The Technician then performs an identification check in the system and enters the new arrest tracking number (ATN). The Disposition Sheets are then submitted to the Data Entry Unit.
3. A description of the fields on the Disposition Sheet follows.
  - a. Prosecutor Disposition Sheet
    - i. Prosecuting Agency ORI: The ORI of the prosecutor handling the case.
    - ii. Date: The date of action taken.
    - iii. State Statute: The statute that references the arrest offense (for example, §97-17-33).
    - iv. Charge Description: A description of the offense (for example, burglary).
    - v. Counts: The number of counts for the offense listed (for example, armed robbery 2 counts).
    - vi. Action: The action on the case using the following choices:

Amended Charge	Dismissed
Charge Filed (Guilty)	Remanded to File Charge Withdrawn
Defer Prosecution	
Decline to File Charge	

**b.** Court Disposition Sheet

- i. Court ORI: The ORI of the court handling the case.
- ii. Docket Number: The docket number of the case as it appears in the docket book.
- iii. Date: The date of disposition.
- iv. State Statute: The statute that references the arrest offense (for example, §97-17-33).
- v. Charge Description: A description of the offense (for example, burglary).
- vi. Counts: The number of counts for the offense listed previously (for example, armed robbery 2 counts).
- vii. Verdict: The action or disposition of the case using the following choices:

Acquit

Dismiss  
Acquit Insane  
Fail to Appear  
Bind Over  
Nolle Prose  
Charges Dropped  
Nolle Contendre  
Convict Deferred Sentence  
Not Guilty  
Convict Insane  
Passed to File  
Convict Sentence (Guilty)  
Remanded  
Deferred Fine

**Chapter 6**

Mississippi Criminal Information Center Policy: 6.001

6.001.01 Expunction Policy

1. All law enforcement agencies and clerks of the various courts must report to the Center all instances where arrest and/or conviction records are ordered expunged by state courts as provided by law. Upon receipt of a lawful order, the Center will promptly expunge the records from its system, if such records exist.
2. A request for expunction must be accompanied with a true, certified copy of the court order of expunction and must contain the name used at the time of arrest, the date of arrest, the arrest charge, the social security number, the date of birth, the race and sex of the individual, and the statutory authority for the expunction. This information must be included in the court order.

*Statutory Authority: Miss. Code Ann. Sections 45-27-7 and 45-27-9.*

### **Mississippi Criminal Information Center Policy: 6.002**

#### 6.002.01 Procedure

1. A court order containing the information cited above is necessary for a criminal record to be expunged. The court order must be forwarded to the Criminal Information Center for expunction. Upon receipt of the court order, the Special Processing Unit is responsible for reviewing and analyzing each request in accordance with the established criteria.

### **Mississippi Criminal Information Center Policy: 6.003**

#### 6.003.01 Review Criteria

1. Each request is examined to ensure it is on an official court document, is certified by the court clerk, and has an embossed seal. Copies of the order will be accepted only if the embossed seal can be identified.
2. The Expunction Order is then reviewed to ensure it includes the following items:
  - a. Name of the offender which was used at the time of arrest
  - b. Date of arrest
  - c. Arrest charge
  - d. Date of birth
  - e. Social Security number
  - f. Statutory authority
  - g. Race
  - h. Sex

### **Mississippi Criminal Information Center Policy: 6.004**

#### 6.004.01 Processing Correct Requests

1. In order to expunge a record, it must be deleted from both the Center's and the FBI's records. The steps associated with expunging a record follow.

- a. Reviewed by legal staff;
  - b. Forwarded to a Records Technician who obtains the State Identification number (SID) for that specific record;
  - c. Order is entered and scanned into the MCHS; and
  - d. Technician retrieves the actual file containing the arrest record, pulls the arrest card from the file and attaches it to the Expunction Order.
2. Prior to the establishment of the Center in March of 1998, law enforcement agencies forwarded arrest and conviction information directly to the FBI. Therefore, it is possible that a record may exist at the federal level but not at the state level. If this is the case, the order will be forwarded to the FBI and the clerk will be notified.

### **Mississippi Criminal Information Center Policy: 6.005**

#### 6.005.01 FBI Expunction Processing

1. The Technician must access the Interstate Identification Index system to search for the record. If a match is found on the III system, the FBI number is recorded on the court order under the offender's name and the order is faxed to the FBI. The FBI will expunge the record from its system.

### **Mississippi Criminal Information Center Policy: 6.006**

#### 6.006.01 Incomplete/Improper Orders of Expunction

1. If an expunction request is incomplete, it is returned to the submitting entity with a Resolution Form indicating the reasons it cannot be processed. A sample Resolution Form is included in Section 6.0.1.
2. If an expunction order is incomplete, the order and a letter of explanation will be sent to the prosecutor of the appropriate jurisdiction. Copies also will be forwarded to the judge, court clerk, and defense attorney, if known.

## **Chapter 7**

### **Mississippi Criminal Information Center Policy: 7.001**

#### 7.001.01 Pretrial Intervention Program Policy

1. Each District Attorney, with the consent of a circuit court judge of his or her district, has prosecutorial discretion to establish a pretrial intervention program in the circuit court district. The pretrial intervention program will be under the direct supervision and control of the district attorney and an offender must make application to an intervention program within the time prescribed by the district attorney.
2. A person shall not be considered for pretrial intervention if he or she has previously been accepted into an intervention program NOR shall intervention be considered for those individuals charged with any crime of violence including, but not limited to, murder, aggravated assault, rape, armed robbery, manslaughter or burglary of a dwelling house or

any other crime as set forth in *Miss. Code Ann.* Section 99-15-107. It is the responsibility of the district attorney to determine if the individual has any prior felony charges. Upon successful completion of court-imposed conditions, the district attorney, with the approval of the circuit court judge, may make a non-criminal disposition of the pending charge against the offender. If the court-ordered conditions are not met, the court can impose a sentence for the guilty plea.

3. The Special Processing Unit maintains a statewide database of all pretrial intervention reports and responds to all requests for pretrial intervention information from the district attorneys offices as specified in *Miss. Code Ann.* Section 99-15-119.

*Statutory Authority: Miss. Code Ann. Sections 99-15-101 et seq.*

## **Mississippi Criminal Information Center Policy: 7.002**

### 7.002.01 Procedure

1. A District Attorney, or designated staff, must submit a letter to the CIC informing CIC that the person is being considered for the pretrial intervention program. The letter must be submitted on the letterhead of the District Attorney and include the following information:

Name	Date of birth	County
Race	Place of birth	
Sex	Social Security Number	

2. A check is completed by a Records Technician to determine if the individual has previously been accepted into the program. If no record is located, the name is added to the pretrial database with a “pending” status; when the request is accepted, the status is changed to “accepted”. If the person is currently in the system with any status (pending, completed, or failed) or if the individual has made prior application to the program, CIC mails a letter to the District Attorney’s office concerning this prior application.
3. A letter is forwarded to the District Attorney’s Office indicating whether or not entry into the intervention program can be granted. Sample copies of these two letters are included in Sections 7.0.1.

## **Mississippi Criminal Information Center Policy: 7.003**

### 7.003.01 Processing an Individual’s Status

1. The district attorney’s office transmits a letter to the Center indicating whether successful completion of the program was accomplished. Upon receipt of this information, the Records Technician records the status in the system.

## **Mississippi Criminal Information Center Policy: 7.004**

### 7.004.01 Processing District Attorney Inquiries

1. All inquiries made by district attorneys' offices into the program database are recorded in the system. Information in this database will only be released by the Center to a district attorney's office upon inquiry as to whether a person previously has been accepted into an intervention program. This record includes the district attorney's office, the name of the staff person in the district attorney's office, and the name and date of the inquiry. Supporting documentation (letters, etc.) are placed in designated files.

## **Chapter 8**

### **Mississippi Criminal Information Center Policy: 8.001**

#### **8.001.01 Record Requests Policy**

1. The Center will make a person's criminal record available for inspection by him or his attorney upon written request. A letter of request must be submitted to the Center at the following address:

Mississippi Criminal Information Center  
Special Processing Unit  
P. O. Box 958  
Jackson, MS 39205

*Statutory Authority: Miss. Code Ann. Section 45-27-11.*

### **Mississippi Criminal Information Center Policy: 8.002**

#### **8.002.01 Procedure**

1. The Center will provide a Release form to the individual which must be signed prior to the check being performed. This release form authorizes the Center to conduct the record check and waives any and all claims of liability against the Center and the Department of Public Safety concerning the inquiry and release of any and all criminal records information associated with the inquiry. A copy of the Release form is provided in Section 8.0.1.
2. The individual will be fingerprinted by a fingerprint examiner from the AFIS Division or other certified law enforcement personnel. The fingerprint image will be captured by rolling the prints on a fingerprint card or by a live-scan machine. Fingerprinting is required to ensure the record's security, to verify the identities of those who seek to inspect them, and to maintain an orderly and efficient mechanism for such access.
3. The fingerprint image will be checked against the state database and submitted to the Federal Bureau of Investigation for a review of the federal records database. When the results of the fingerprint checks are received, the Special Processing staff will contact the individual or his/her attorney to schedule a time for inspection of the record, if such record exists. This record will be made available only to the requesting individual or his/her attorney and will not be made available to a third party by the Center. All inquiries concerning federal records will be directed to the Federal Bureau of Investigation.

4. The Center may prescribe reasonable hours of inspection and may impose additional procedures, fees or restrictions as necessary.

#### 8.003.01 Contesting the Accuracy of a Record

1. If an individual contests the accuracy of a record, the Center shall make a copy of the contested record available to the person or his attorney upon written request. The request must specify the portion of the record contested and indicate the reason for the contest of accuracy.
2. If the individual believes the record is incomplete or inaccurate, he or she may request the original agency having custody or control of the records to purge, modify or supplement them and to so notify the Center of such changes. The original agency is responsible for the authentication and correction of such data. The Center is not the source of the data appearing on identification records and only obtains the data thereon from the fingerprint cards or related identification forms submitted to the Center by other law enforcement agencies. Arrest records existing prior to the creation of the Center in March 1998 may only exist at the FBI.
3. If the original agency declines to act or if the individual believes the agency's decision is otherwise unsatisfactory, the individual or his attorney may, within thirty (30) days of the decision, enter an appeal to the county or circuit court of the county of his residence or to the appropriate court in the county where the agency is located.

### **Chapter 9**

#### Mississippi Criminal Information Center Policy: 9.001

##### 9.001.01 Applicant Record Checks Policy

1. The Center currently processes a number of background checks by name and/or fingerprints. Included below is a brief description of each check . A fee schedule, provided in Section 9.0.1, summarizes the statutory authority, type and cost of check, and contact person.

##### 9.001.02 Billable Applicant Fingerprint Checks

2. A memorandum of understanding must be executed between the Center and any state agency authorized by state statute to submit fingerprint cards to the Center. State agencies are provided fingerprint cards which are assigned to the agency based on an ORI (originating agency identifier). An ORI is assigned by the Federal Bureau of Investigation. The applicant/employee is fingerprinted on the card which is forwarded to the Center for a state check. Upon completion of the state check, the card is forwarded by the Center to the Federal Bureau of Investigation (FBI) for a nationwide check. Any criminal background information is returned to the requesting state agency. The agency will determine an applicant's/employee's fitness for employment. A fee is charged for the check which the requesting entity pays to the CIC. The CIC forwards the appropriate fees to the FBI.

a. Alcoholic Beverage Control

- i. ABC is authorized to request fingerprint checks for applicants. Fingerprint cards are submitted to CIC, checked against the Mississippi Criminal History System database, and forwarded to the FBI for a national criminal history record check. A fee of \$24.00 is charged by the Center to process a record check based on the fingerprint card.

*Statutory Authority: Miss. Code Ann. Section 67-1-57.*

ii. Check Cashing Business

- iii. Mississippi Department of Banking and Consumer Finance is required to submit a request for fingerprint checks for its check cashing applicants. The fingerprint cards are provided to the business by the Department of Banking and Consumer Finance. The agency must submit a set of fingerprints to CIC, which is checked against the Mississippi Criminal History System database, and forwarded to the FBI for a national criminal history record check. A fee \$24.00 is charged by the Center to process a record check based on the fingerprint card.

*Statutory Authority: Miss. Code Ann. Section 75-67-509.*

b. Child Care Facilities Licensed by MS Department of Health

- i. Child care facilities require all prospective and current care givers to undergo a criminal history background check to determine suitability for employment. The Mississippi Department of Health (MSDH) provides the fingerprint cards to the facilities. The fingerprint cards are submitted to CIC, checked against the Mississippi Criminal History System database, and forwarded to the FBI for a national criminal history record check. A fee of \$24.00 is charged by the Center to process a fingerprint-based check for an employee and/or a fee of \$18.00 for a volunteer.
- ii. The MSDH has the authority to exclude a particular crime or crimes or a substantiated find of child abuse and/or neglect as disqualifying individuals or entities for prospective or current employment or licensure. The MSDH is authorized to set fees in addition to those charged by the CIC and the FBI.

*Statutory Authority: Miss. Code Ann. Section 43-20-8.*

c. Child Residential Agencies and Foster Parents/Homes

- i. Any person, institution, facility, clinic, organization or other entity that provides services to children in a residential setting as described in *Miss. Code Ann.* Section 43-15-6 (1) must undergo a national criminal history record check and a child abuse registry check for each owner, operator, employee, prospective employee, volunteer or prospective volunteer of the entity that has or may have unsupervised access to a child.
- ii. The facility must ensure that the applicant is fingerprinted by a local law enforcement agency and the fingerprints forwarded to the CIC where they are checked against the Mississippi Criminal History System database and forwarded to the FBI for a national criminal history record check. A fee of \$24.00 is charged by the Center to process a fingerprint-based record check for an employee and/or a fee of \$18.00 for a volunteer. The Department of Human Services (DHS) is authorized to set fees in addition to those charged by the CIC and the FBI.
- iii. The DHS is authorized to exclude a particular crime or crimes or a substantiated finding of child abuse and/or neglect as disqualifying individuals or entities from providing foster care or residential child care and also adopt other rules and regulations as deemed necessary. However, the law disqualifies individuals who have a conviction or pending indictment for a crime, whether a misdemeanor or a felony, that bears upon the person's fitness to have responsibility for the safety and well being of children from working in these settings.

*Statutory Authority: Miss. Code Ann.* Section 43-15-6.

- d. Providers of Care to Children, the Elderly and/or Individuals with Disabilities
  - i. This law allows any provider of care for children, the elderly and or individuals with disabilities to undergo a fingerprint-based criminal record check to determine if the provider has been convicted of a crime that bears upon the provider's fitness to have responsibility for the safety and well-being of these groups of individuals. This law is very broad and encompasses a wide range of organizations and institutions.
  - ii. The CIC provides the fingerprint cards to the qualifying entities which have made a request for fingerprint checks. The fingerprints can be taken by any local law enforcement agency and then submitted to CIC for the criminal history records check. The provider must also submit a statement that contains the name, address and date of birth of the provider, a signed

release, whether the provider has ever been convicted of a crime, and, if so, a description of the crime.

- iii. The fingerprints are checked against the Mississippi Criminal History System database and forwarded to the FBI for a national criminal history record check. The CIC will make reasonable efforts to respond to an inquiry within 15 business days. A fee of \$24.00 is charged for employees and/or a fee of \$18.00 for volunteers of an organization.

*Statutory Authority:* 42 U.S.C. Section 5119a.

e. Gaming

- i. The Gaming Commission requires all applicants or licensees and gaming employees of a licensee to be fingerprinted. The Gaming Commission has its own fingerprint cards which it provides to applicants. The fingerprint cards are forwarded to the CIC where they are checked against the Mississippi Criminal History System database and forwarded to the FBI for a national criminal history record check. A fee of \$24.00 is imposed to process a fingerprint-based record check under this statute.

f. Home Health Agencies and Nursing Facilities

- i. Any home health care agency or nursing facility may require applicants for employment to undergo a criminal history records check. The fingerprint cards are provided to the facility by the CIC. The facility submits the set of fingerprints to CIC along with a statement signed by the applicant authorizing the record check. The fee charged will not exceed \$50.00. The results of the check are sent directly to the requesting facility which then determines the suitability of the applicant for employment.

*Statutory Authority:* Public Law #105-277 (note to 28 U.S.C. Section 534).

g. Information Technology Services

- i. To qualify for the position of an information confidentiality officer with the Department of Information Technology Services, a person must undergo a criminal history records check. The person is fingerprinted and the set of fingerprints is forwarded to the CIC, checked against the Mississippi Criminal History System database, and forwarded to the FBI

for a national criminal history record check. A fee of \$24.00 is charged to process this check.

*Statutory Authority: Miss. Code Ann. Section 25-53-51.*

h. Mortgage Companies

i. Applicants of mortgage companies applying for registration or licensure from the Department of Banking and Consumer Finance are required to undergo criminal history record checks. The fingerprint cards are provided to the applicant by the Department of Banking and Consumer Finance.

ii. The Department of Banking and Consumer Finance submits a set of fingerprints obtained from a local law enforcement entity to CIC. The prints are checked against the Mississippi Criminal History System database and forwarded to the Federal Bureau of Investigation for a national criminal history record check. A fee of \$24.00 is charged to process the record check. The results of the check are sent to the Department of Banking and Consumer Finance to determine an applicant's suitability for employment.

*Statutory Authority: Miss. Code Ann. Section 81-18-13.*

i. Public Schools

ii. Each superintendent of a school district is required to obtain criminal record background checks and child abuse registry checks for all new hires applying for employment as a licensed or non-licensed employee at a school not previously employed in that district prior to July 1, 2000. To determine suitability, the applicant must be fingerprinted. Each school district has its own fingerprint cards which are submitted to CIC, checked against the Mississippi Criminal History System database, and are forwarded to the Federal Bureau of Investigation for a national criminal history record check. A fee of \$24.00 is imposed by the CIC, the FBI, and the school district to process the record checks for employees and/or a fee of \$18.00 for volunteers.

iii. If the results indicate any felony convictions, guilty pleas, or pleas of nolo contendere for the crimes listed in Section 37-9-17, that applicant shall not be eligible to be employed at the school. However, the school board may, in its discretion, allow any applicant aggrieved by a decision under this section to appear before the board or a hearing officer to show mitigating

circumstances which may exist, and allow the new hire to be employed at the school.

*Statutory Authority: Miss. Code Ann. Section 37-9-17.*

- j. Title Pledge Lenders
- i. Title pledge lenders (or sales finance companies which engage in the business of purchasing retail installment contracts from one or more retail sellers) are required to be licensed by the Department of Banking and Consumer Finance. Applicants must submit a set of fingerprints to the CIC for a record check. CIC checks the fingerprints against the Mississippi Criminal History System database and forwards the prints to the FBI for a national criminal history record check. A fee of \$24.00 is charged to process the record check.

*Statutory Authority: Miss. Code Ann. Section 75-67-421.*

#### 9.001.03 State Name Checks

1. In order to process a name check with this Center, authorized agencies must make a written request which includes the following information:
  - a. applicant's name;
  - b. applicant's social security number;
  - c. applicant's date of birth; and
  - d. position for which application was received.
2. The request should be forwarded to the Center via facsimile to (601) 933-2660 or, in the United States, mail to:

Criminal Information Center  
Name Checks  
P.O. Box 958  
Pearl, MS 39208
3. A release form signed by the applicant/employee must accompany the submission of a request for a name check.
4. Since neither a fingerprint nor other identification is supplied to the Center, the Center cannot guarantee in any manner the response concerns the person who is the subject of the search.

a. Criminal Justice/Law Enforcement Agencies

- i. The Mississippi Justice Information Center makes available to all local and state criminal justice agencies, federal criminal justice agencies and criminal justice agencies in other states, any information in the files of the Center which will aid the agencies in the performance of their official duties. The Center will compare the request for information contained in its database to determine whether a criminal record exists. CIC will provide the appropriate information to the requesting agency or officer. There is no fee charged for checks for these agencies.

*Statutory Authority: Miss. Code Ann. Section 45-27-7.*

b. Military

- i. The Armed Forces conduct criminal history record checks on all applicants for enlistment in the armed forces and for participation in programs of armed forces which require a determination of trustworthiness. The check is a name-based check for no fee. The results of the check will be confidential and will not be disclosed except to facilitate military recruiting.

*Statutory Authority: 10 U.S.C. Section 520a.*

c. MS Sex Offender Registry

9.001.03 Other Types of Checks

1. Other types of checks are required for criminal justice/law enforcement entities, federal child care facilities, and for the issuance of gun permits. The procedures for these checks are provided below.

a. Criminal Justice/Law Enforcement Agencies

1. The Mississippi Justice Information Center makes available to all local and state criminal justice agencies, federal criminal justice agencies and criminal justice agencies in other states, any information in the files of the Center which will aid the agencies in the performance of their official duties. All state criminal justice agencies are required to submit to the Center fingerprints, descriptions, photographs and other pertinent identifying data on persons who have been lawfully arrested or taken into custody in

this state for all felonies and certain misdemeanors described in Section 45-27-7 (2) (a). There is no fee charged for a name or fingerprint record check for these agencies.

*Statutory Authority: Miss. Code Ann. Section 45-27-7.*

b. Federal Child Care Facilities

- i. Each agency and facility operated by the federal government that hires, or contracts for hire, individuals involved with the provision of child care services are required to assure that all existing and newly hired employees undergo a criminal history background check. The criminal history records check must be initiated by the personnel program of the applicable federal agency. The employees must be fingerprinted by a local law enforcement agency and the fingerprints forwarded to the CIC for a check of the Mississippi Criminal History System database. There is a fee imposed by CIC for these checks. The employing agency must also submit a fingerprint card to the FBI for a national check. The results of the background check are communicated to the employing agency.

*Statutory Authority: Miss. Code Ann. Section 45-27-12.*

c. Gun Permits

- i. The DPS is authorized to issue licenses to persons to carry concealed pistols or revolvers as qualified by the law. The applicant for a license must complete an application form provided by MDPS and submit it, along with a face photograph, a full set of fingerprints (obtained by MDPS), and a waiver releasing records concerning commitments to treatment facilities. A fee is imposed to process the fingerprint check. Honorably retired law enforcement officers are exempt from payment of the fee.
- ii. The CIC checks the fingerprints against the Mississippi Criminal History System database and forwards them to the FBI for a national criminal history record check. MDPS also forwards the application to the sheriff of the applicant's county of residence and the police chief of the municipality of residence. These entities may submit a voluntary report of information pertinent to the

licensing of any applicant within 30 days of receipt of the application.

- iii. MDPS is authorized to issue or deny the license within 120 days after receipt of the above-listed items. If the license is denied, MDPS will provide a written notice stating the ground for denial and inform the individual that the denial is subject to the appeal process set forth in the law.

*Statutory Authority: Miss. Code Ann. Section 45-9-101.*

### **Mississippi Criminal Information Center Policy: 9.002**

#### **9.002.01 Procedure**

1. Applicant fingerprint checks may be submitted to the CIC in person, electronically, or by mail. If an individual appears at the Center to request an applicant record check, the receptionist will contact the appropriate records technician in the Special Processing Unit. The Technician will require the requestor to provide a signed Release form from the individual whose record is to be checked and the individual's fingerprint card. The Technician will inform the requestor that the record check will be processed within three (3) to six (6) weeks. A sample applicant fingerprint card is in Section 9.0.2.
2. All written requests from authorized agencies (listed in the charts depicted throughout this section) must be submitted in writing on the agencies' letterhead. The fingerprint card for the individual whose record is to be checked must be included in the request. Response time will generally be three (3) to six (6) weeks for mailed requests.
3. Electronically submitted fingerprint cards are generally processed within twenty-four (24) to thirty-six (36) hours unless the record is identified with a manual record at the FBI or matches a record submitted by an NFF (National Fingerprint File) maintained by a state. In those cases, a delayed turnaround time should be expected.
4. The Technician reviews the card to ensure the fingerprints are legible and all required information is provided. If not, a Resolution Form is completed and returned to the requestor. A sample Resolution Form is provided in Section 9.0.3.

### **Mississippi Criminal Information Center Policy: 9.003**

#### **9.003.01 No Record Found**

1. If the record search for a fingerprint check determines that a record does not exist for the individual, the rap sheet will indicate that there is “No Record”.
2. If a records check by name indicates that a record does not exist on the individual, the original request should be stamped to read as follows:

No record located  
Mississippi Name Check Only  
Since neither a fingerprint or other identification  
on this individual was supplied to the Center, we  
cannot guarantee in any manner this response  
concerns the person in which you are interested.

Furnished to:

Agency:

Date:       By:

Mississippi Justice Information Center

3. The Technician will sign his or her name on the line entitled “By”. The results of the record check will be handled in accordance with the various requirements of the statutes as noted in the individual agency information stated above.

### **Mississippi Criminal Information Center Policy: 9.004**

#### 9.004.01 Applicant Appeals Policy

1. The CIC is required to render a determination regarding the suitability of an applicant for a position for certain providers of care to children, the elderly and/or individuals with disabilities (refer to the statute stated below). This law allows any provider of care for children, elderly and or individuals with disabilities to undergo a fingerprint-based criminal record check to determine if the provider has been convicted of a crime that bears upon the provider’s fitness to have responsibility for the safety and well-being of these groups of persons. This law is very broad and encompasses a wide range of organizations and institutions.
2. The determination to be made by CIC is whether or not the applicant has been convicted or is under pending indictment of a crime that bears upon the provider’s fitness to have responsibility for the safety and well being of the groups of persons described in the first paragraph above.

3. The provider, who is the subject of the check, will receive a copy of the report and may challenge its accuracy and obtain a determination prior to a final determination being made.

*Statutory Authority: 42 U.S.C. Section 5119a.*

## **Mississippi Criminal Information Center Policy: 9.005**

### 9.005.01 Procedure

1. The aggrieved applicant may appeal the determination to the Commissioner of Public Safety, or his authorized agent, within thirty (30) days after the aggrieved party receives written notice of the determination. The Commission of Public Safety or his agency, shall rule upon the appeal within thirty (30) days after the appeal is filed and failure to rule within this thirty-day period shall constitute sustaining the determination. The review will be conducted pursuant to such reasonable rules and regulations as the Commissioner of Public Safety may adopt.
2. If the determination is sustained by the Commissioner of Public Safety, or his authorized agent, the aggrieved party may file within ten (10) days after the rendition of the decision a petition in the circuit or county court of his residence for review of the decision. A hearing for review shall be held and proceed before the court without a jury upon the record made at the hearing before the Commissioner of Public Safety or his duly authorized agent.

## **Chapter 10**

### Mississippi Criminal Information Center Policy: 10.001

#### 10.001.01 Convicted Felon Registration Policy

1. Registration applies to any person who has been since January 1, 1960 or is hereafter convicted in *any other state* of any offense which, if committed or attempted in this state, would be punishable as a felony. Within thirty (30) days of establishing residence or temporary domicile in this state, the individual must register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.
  - a. **Mandatory Registration Information**  
The following information must be obtained from the registrant:
    - i. statement in writing signed by the person providing the following required information (statement forms may be provided by the local law enforcement entity):
      1. name

2. address
3. telephone number
4. marital status
5. date of birth
6. race
7. sex
8. social security number
9. description of crime with date, location and sentence
10. reason for relocation to state

ii.fingerprints

iii.photograph.

b.The local law enforcement agency must then submit the information to the Center within three (3) days.

*Statutory Authority: Miss. Code Ann. Sections 97-35-27.*

## **Mississippi Criminal Information Center Policy: 10.002**

### 10.002.10 Registration Procedure

1. All incoming mail for the registration of convicted felons is opened and date stamped at the front desk. It is then forwarded to the Special Processing Unit where the documents are reviewed for proper completion. The Records Technician establishes a registration file for the individual which contains all pertinent documents.

## **Mississippi Criminal Information Center Policy: 10.003**

### 10.003.01 Change of Address

1. Any change of address must be reported to the law enforcement entity with which registration was made within ten (10) days. The law enforcement entity is then required to submit the new address information to the MDPS within three (3) days of receipt. The MDPS will forward the appropriate registration information to the law enforcement agency having local jurisdiction of the new place of residence.

## **Mississippi Criminal Information Center Policy: 10.004**

### 10.004.01 Violation of Registration

1. If an offender required to register under the provisions of Section 97-35-27 violates any of the provisions of the law, he/she is guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding three (3) months or a fine not exceeding \$100.00, or both.

2. The information, photographs, and fingerprints required in this section will not be open to inspection by the public or by any person other than a law enforcement officer unless otherwise provided by law.

## **Chapter 11**

### **Mississippi Criminal Information Center Policy: 11.001**

#### 11.001.01 Court Order and Subpoenas Policy

1. Dissemination of FBI and CIC records to a third party is prohibited by the Privacy Act of 1974 (5 U.S.C. Section 552a) and *Miss. Code Ann.* Section 45-27-1 *et seq.* This prohibition is subject to certain exceptions including the release of such records when the release is made “pursuant to an order of a court of competent jurisdiction” (5 U.S.C. Section 552a (b) (11)). This exception has been interpreted to require the issuance of a subpoena or order by a judge.

#### Mississippi Criminal Information Center Policy: 11.002

#### 11.002.01 Procedure

1. A subpoena or court order authorizing release of such information should be forwarded to the CIC with accompanying information pertinent to the subject of the subpoena or order. The information should include:

2. the complete name and birth date of the individual
  - a. the complete name and address of the court ordering the subpoena, and
  - b. an ORI for that court.

3. The court order will be forwarded to the Center’s legal counsel for review. Upon receipt of a lawful court order, the records technician will locate any record pertaining to the subject of the court order and forward it to the court for inspection and release to the appropriate party as determined by the court.

## **Chapter 12**

### Criminal Information Center Policy: 12.001

#### 12.001.01 Overview of the Mississippi Sex Offender Registry

1. The Mississippi Department of Public Safety maintains a central registry known requirements of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act and the Mississippi Sex Offender Registration Law (*Miss. Code Ann.* 45-33-21 *et seq.*). The Registry maintains information on sex offenders that are required to register in the state of Mississippi pursuant to this law.

#### 12.001.02 Covered Sex Offenses

1. Under Mississippi law, the central registry covers offenders who have committed one of the following sexual offenses:
  - a. 97-3-53 Kidnapping, if the victim was below the age of eighteen
  - b. 97-3-65 Statutory rape (under age 16)
  - c. 97-3-71 Rape and assault with intent to ravish
  - d. 97-3-95 Sexual battery
  - e. 97-5-5 Enticing a child for concealment, prostitution or marriage
  - f. 97-5-23 Touching of a child, or a mentally defective, incapacitated or physically helpless person for lustful purposes
  - g. 97-5-27 Dissemination of sexually oriented material to children; computer luring of minor to engage in sexual conduct
  - h. 97-5-33 Exploitation of child
  - i. 97-5-41 Carnal knowledge of stepchild, adopted child or child of a cohabiting partner
  - j. 97-29-59 Unnatural intercourse
  - k. 97-29-3 Adultery or fornication between teacher and pupil
  - l. 97-1-7 Attempt to commit any of the above-referenced offenses
  - m. Any offense committed in another jurisdiction, which would be considered one of the above in MS
  - n. Any offense committed in another jurisdiction for which registration is required in that jurisdiction
2. Note: The final two categories are designed to include offenses that may be described differently in another state but that Mississippi intended to include in the MSOR. These categories also ensure that if an offender is required to register in another state for a conviction that does not require registration in Mississippi (for example, voyeurism), registration must be maintained upon the offender's relocation to Mississippi.  
*Statutory Authority: Miss. Code Ann. Sections 45-33-23.*

#### 12.001.03 Persons Required to Register

1. Any person convicted, twice adjudicated delinquent or acquitted by reason of insanity for one of the offenses listed in the *Miss. Code Ann. Section 45-33-23* is required to register with the MSOR. The conviction can occur in any state court, federal court, military court or Indian tribunal. Registration is ONLY required for the offenses that are registrable as specified in the statute.
2. This includes the following:
  - a. Juveniles who are tried as adults and convicted
  - b. Juveniles who are twice adjudicated delinquent in youth court
  - c. Federal or military offenders who reside in the state and who are convicted of federal offenses or sentenced by court martial for a criminal offense against a minor or for a sexually violent offense

- d. Nonresidents or temporary residents who abide, lodge, or reside for a period of 14 or more days in the aggregate during any calendar year whose permanent address is not in Mississippi
- e. Nonresidents or temporary residents who abide, lodge, or reside for a period of 4 or more consecutive or nonconsecutive days in a month whose permanent address is not in Mississippi
- f. Nonresidents or temporary residents who are employed, practice a vocation or are enrolled as a student for any period of time, whether full-time or part-time, with or without compensation, in the state of Mississippi.

*Statutory Authority: Miss. Code Ann. Sections 45-33-23 and 45-33-25.*

Criminal Information Center Policy: 12.002

12.002.01 Initial Sex Offender Registration Policy

1. Pursuant to *Miss Code Ann. Section 45-33-25*, any person required to register as sex offender in Mississippi shall submit the following information at the time of registration:
  - a. name, including a former name which has been legally changed
  - b. street address
  - c. place of employment
  - d. crime for which convicted
  - e. date and place of conviction, adjudication or acquittal by reason of insanity
  - f. aliases used
  - g. Social Security number
  - h. date and place of birth
  - i. age, race, sex, height, weight and hair and eye colors  
description of the offense for which registration is required
  - j. identifying factors such as scars, marks or tattoos
  - k. anticipated future residence
  - l. offense history
  - m. fingerprints
  - n. photograph
  - o. documentation of any treatment received for any mental abnormality or personality disorder of the person
  - p. a biological sample
  - q. name of any institution of higher learning at which the offender is
  - r. employed, carries on a vocation (with or without compensation) or is enrolled as a student
  - s. any other information deemed necessary.
2. The offender is also required to show proof of domicile in this state.

*Statutory Reference: Section 45-33-25 and 45-33-27(7).*

### 12.002.02 Registration Forms

1. The registration information is obtained by the responsible agencies (listed below) and is submitted on forms provided by the MSOR along with other specified documents:
  - a. *Convicted Sex Offender Registration Form*
  - b. *Acknowledgment of Convicted Sex Offender Duty to Register Form*
  - c. Fingerprint card
  - d. Photograph
  - e. Biological sample (submitted to the Mississippi Crime Lab)
  - f. Order of conviction or sentencing, if available
  
2. The MSOR accepts the offender's signed *Convicted Sex Offender Registration Form* as proof of domicile.

*Statutory Reference:* Section 45-33-35(1).

### 12.002.03 Responsible Agencies

1. The person or governmental entity charged with collecting this information is considered the "Responsible Agency". Depending on the offender's sentence, the responsible agency will be one of the following agencies and will register the offender according to the time frame specified for each in the law:
  
2. Sheriffs' Offices. The sheriff is responsible for registering the following categories of convicted sex offenders:
  - a. Offenders who are not incarcerated, detained, nor committed at the time the requirement to register shall attach.
  - b. Offenders being released from incarceration in a county jail.
  - c. Offenders moving to Mississippi from another state (the offender must notify DPS 10 days prior to moving to MS).
  - d. Offenders who are required to register on the basis of a sex offense for which a conviction, adjudication of delinquency or acquittal by reason of insanity was entered prior to July 1, 1995.
  
3. Mississippi Department of Corrections. MDOC is responsible for registering convicted sex offenders at the time of release from prison or placement on parole or supervised release.
  
4. Sentencing Courts. The sentencing court is responsible for registering convicted sex offenders being placed on probation, including conditional or unconditional discharge, without any incarceration, at the time of entering the order.

5. Mental Institutions. Upon release from a mental institution following an acquittal by reason of insanity, the director of the facility shall inform the offender of the duty to register, perform the registration, and notify MDPS of the offender's release.
6. Youthful Offender Facilities. Directors of youthful offender facilities are required to register youthful offenders who are twice adjudicated delinquent of a sex offense upon release from a youthful offender facility.

*Statutory Reference:* Sections 45-33-23(f), 45-33-27, and 45-33-35.

#### 12.002.04 Responsible Agency/Offender Registration Duties

1. The responsible agency is required to explain the offender's registration duties and to complete the required registration forms with the offender. Both the offender and the contact person registering the offender are required to sign and date the forms. The responsible agency instructs the offender to report to any driver's license station in the state to complete registration (with a copy of his *Registration Form*) within 10 days. The responsible agency is required to submit all registration forms to the MSOR within ten (10) days.
2. At the driver's license station, the offender is required to submit his copy of the *Registration Form*, pay a \$5.00 fee, be photographed, and be issued a sex offender registration card. The sex offender card has the offender's first re-registration date on it.

*Statutory Authority:* Miss. Code Ann. Sections 45-33-27 and 45-33-57.

#### 12.002.05 MSOR Internal Registration Procedure

1. All incoming mail for the MSOR is received and date stamped, and forwarded to the MSOR Office. Registration information is received from the sheriffs' office, the MS Department of Corrections, other registering agencies and from the driver's license stations. Upon receipt, the information is reviewed for accuracy and completeness. As stated above, the following required documents must be submitted:
  - a. Convicted Sex Offender Registration Form
  - b. Acknowledgment of Convicted Sex Offenders Duty to Register Form
  - c. Photograph
  - d. Fingerprint card
  - e. DNA/Crime Lab report (from MDOC only)
2. If any information is incomplete, missing, or unsigned, the staff contacts the registering agency and requests the missing items or information to be sent as soon as possible. The file is placed in pending status until the information is received.

3. The staff also collects other pertinent criminal history for newly registered offenders to verify the registration information prior to publishing the offender's record to the MSOR website. These documents may include one or more of the following:
  - a. Conviction order
  - b. Rap sheet
  - c. MDOC record
  - d. Driver's license check in NCIC (either MS or multi-state)
  - e. If relocating from another state, letter from that state; or
  - f. Accesses that state's Sex Offender Registry website to download the offender's registration information
  
4. When an offender reports to the driver's license station to complete registration, the offender's record downloads to the Registry database overnight. As soon as the registration information is received, the staff enters the remainder of the offender data into the Registry database. The information is reviewed and verified, and then published to the Registry website. If the offender has an FBI number, the offender's record is entered in the National Sex Offender Registry.

#### 12.002.06 Offenders Released from Federal Prison

1. If the individual has recently been released from a federal prison, the MSOR receives a notification from that entity that the offender is moving to Mississippi. The MSOR notifies the sheriff of the proposed county of residence of the offender's intent to relocate to that county and also sends a letter to the offender informing him of the requirements to register. The sheriff is responsible for registering the offender according to the procedures in this section.

#### 12.002.07 Offender Relocating to Mississippi from Another State

1. The law requires an offender to notify the MDPS ten (10) days prior to residing or returning to the state and to register with the department within 10 days of residing or returning to the state. The offender must first register with the sheriff of the county in which he resides and then report to a driver's license station to complete registration within 10 days of residing or returning to Mississippi.

*Statutory Reference: Miss. Code Ann. Section 45-33-27(5).*

2. The MSOR generally receives a letter of notification from another state when a sex offender registered in that state relocates to Mississippi. The letter of notification provides information such as name, proposed address, conviction information and other data (varies from state to state). Upon receipt of this information, the staff collects additional pertinent criminal history as described above and checks that state's sex offender website, printing the data for that offender for the file.

3. The staff sends a standardized letter to the sheriff of the county in which the offender stated he would reside along with a copy of the other state's notification. The sheriff is responsible for registering the offender according to the registration procedure noted above.

#### 12.002.08 Notification to Sheriffs/Other State Sex Offender Registries

1. When a new offender registers with Mississippi and is entered on the state's Registry, the MSOR sends a written notification to the sheriff of the county in which the offender resides. If the offender has relocated from another state, the MSOR also sends a notification to that state. A copy is also placed in the offender's file.

### **Criminal Information Center Policy: 12.003**

#### 12.003.01 Offender Re-Registration and Verification Policy

1. All registered offenders are required to report in person at any driver's license station in the state to reregister every ninety (90) days. Re-registration requires the offender to submit current information to the MSOR and to verify existing registration information including the name, street address and telephone number of the registrant; name and address of employment; status of employment or vocation at any school; and any other information subject to verification. Failure by an offender to respond is a felony and is punishable by a fine of not more than \$5000 or imprisonment in the State Penitentiary for not more than five (5) years, or both, and suspension of driving privileges.
2. The offender's 90-day re-registration date is shown on the face of his sex offender card. It is the responsibility of the offender to report every 90 days.

*Statutory Authority: Miss. Code Ann. Sections 45-33-31 and 45-33-33.*

#### 12.003.02 Procedure

1. The offender reports to any driver's license station within 10 days of the re-registration date shown on the sex offender card. At the driver's license station, the offender completes the *Mandatory Re-registration and Verification Form*, noting any changes in his registration information, and then signs and dates it. The Examiner updates any changes in the offender's information in the system and takes a current photograph of the offender. The offender pays a \$5.00 fee and is issued a new sex offender card with the next 90-day re-registration date on it.
2. Each night, the driver's license system downloads the information to the MSOR database and website, and generates a daily log of address changes and/or school status changes and sends it to the Registry for processing. The staff prints out a notification to mail to the sheriffs of the counties and/or states affected by the changes. If an offender changes his status at a school, the staff generates a letter of notification to the campus security or administration of the school.

3. All changes to the offenders' records are also entered in the National Sex Offender Registry, for those offenders having an FBI number.

### **Criminal Information Center Policy: 12.004**

#### 12.004.01 Change of Address/School Status Policy

1. An offender is required to report any change of address by personally appearing at any driver's license station in the state no less than ten (10) days before he intends to first reside at the new address. Additionally, if there is any change in the status of a registrant's employment or vocation at any school in Mississippi, the offender shall report to MDPS by personally appearing at any driver's license station in the state within ten (10) days of the change.

*Statutory Reference:* Section 45-33-29 (1).

#### 12.004.02 Procedure

1. At the driver's license station, the offender completes the *Mandatory Re-registration and Verification Form*, notes any changes in information on the form, and then signs and dates it. The driver's license station examiner updates the offender's information in the system and takes a current photograph of the offender. The offender pays a fee of \$5.00 and is issued an updated sex offender card with his next 90-day re-registration date on it.
2. Each night, the information downloads the changed information to the Registry and to the website. The system generates a daily log of the address/school status changes that is sent to the Registry for processing. The staff prints out a notification to the sheriffs of the counties affected by the changes or to the states affected by the changes. If an offender changes his status at a school, the staff generates a letter of notification to the campus security or administration of the school.

#### 12.004.03 Offender Relocation to Another State

1. When an offender moves out of state, the MSOR sends a written notification to the state that the offender is relocating there. The offender remains on the MSOR as an active registrant until Mississippi receives written notification that he has registered with the Sex Offender Registry in the new state or, if he is not required to register in the new state, he has contacted that state's Registry regarding its registration requirements.
2. Upon receipt of written notification that the offender has relocated and registered in another state, the offender's record is flagged inactive. The inactive status stops the system from tracking the offender's required 90-day re-registration dates. The offender remains published on the state's website.

## **Criminal Information Center Policy: 12.005**

### 12.005.01 Removal From Registration Policy

1. In order for an offender's name to be removed from the Registry, one of the following conditions must be met:
  - a. In the event of an offender's death, a certified copy of the death certificate from the Mississippi Department of Health shall be transmitted to the MSOR.
  - b. In the event an offender's conviction is reversed, vacated or otherwise set aside in any post-conviction proceeding or the charge is dismissed, a letter requesting removal of the offender's name from the Registry along with a certified copy of the court order or pardon shall be transmitted to the Legal Counsel of the MSOR.
  - c. In the event an offender receives a pardon for a sex offense-related conviction, a certified copy of the pardon shall be forwarded to the Legal Counsel of the MSOR.
  - d. In the event an offender petitions the court after the legally required registration period and receives relief from the duty to register (refer to Section \*\*\* for more information on relief from registration), a certified copy of the order shall be transmitted to the Legal Counsel of the MSOR; or
  - e. In the event an offender believes he was placed on the Registry for an offense which does not require registration, the offender may submit a written request to the MSOR for review of the matter. The Legal Counsel will review the request and may require the individual to submit supporting legal documentation. After completing a review of the matter, the Legal Counsel for the MSOR will notify the individual in writing of the outcome of his request.

*Statutory Reference:* Miss. Code Ann. Section 45-33-47.

### 12.005.02 Procedure

1. In each condition specified above, the documentation submitted to the Registry will be forwarded to the Legal Counsel for review and for a determination that the documentation meets the requirements of the MSOR law and policy. Any additional information or communication that is required between the Registry and the offender will be handled by the Legal Counsel. If any determination or outcome of the review process is required, it will be communicated to the offender in writing by the Legal Counsel.

## **Criminal Information Center Policy: 12.006**

### 12.006.01 Noncompliant Offenders Policy

1. Pursuant to Miss. Code Ann. Section 45-33-33, any offender who fails to personally appear at a driver's license station or fails to provide any registration information

including but not limited to initial registration, re-registration or change of address information, or required notification to a volunteer organization is in violation of the MS Sex Offender Registration Law. Also, any offender who forges information or submits information under false pretenses is in violation of the law.

2. A violation of this chapter is a felony and shall be punishable by a fine not more than \$5,000 or imprisonment in the State Penitentiary for not more than five years, or both fine and imprisonment. The offender's driving privilege in the State of Mississippi is also suspended for noncompliance.
3. Whenever it appears that an offender has failed to comply with the duty to register or reregister, the MSOR will notify the sheriff of the county of the last known residence of the offender in writing. The MSOR also sends a letter to the offender notifying him of the suspension of his driving privilege.
4. Upon receipt of notification from the MSOR, the sheriff shall attempt to locate the offender at his last known address. If the sheriff locates the offender, he shall enforce the provisions of this chapter and notify the MSOR with the current information about the offender. The sheriff has two options:
  - a. For a first time offender, the sheriff has the option of reregistering the offender or initiating criminal prosecution for failure to register or reregister.
  - b. For a subsequent offense, the sheriff shall arrest the offender and initiate criminal prosecution against the offender for failure to register or reregister and enter the offender in the FBI's wanted persons database (NCIC).
5. Any prosecution of an offender for a violation of this section shall be brought by a prosecutor in the county of that violation.

#### 12.006.02 Procedure

1. The driver's license system identifies and flags offenders who fail to fulfill their 90-day reregistration requirement on a daily basis based on the offenders' required re-registration dates. The offender is given ten days following the 90-day re-registration date to reregister without penalty.
2. If an offender registers with the sheriff, MDOC, or other responsible agency but fails to report to a driver's license station to complete his initial registration, the MSOR staff will enter his record in the Registry database and flag him noncompliant.
3. If an offender relocates to Mississippi and fails to register OR has a past sex offense conviction and has never registered, upon receipt of information that the offender is residing in Mississippi, the MSOR will generate a letter to the offender informing him of his duty to register and the registration requirements. A copy of the letter is also sent to the sheriff of the county in which the offender reportedly resides. If the offender still fails to report to the sheriff to register, the MSOR staff will enter his record in the Registry database and flag him noncompliant.
4. At the time an offender is identified as noncompliant, the MSOR generates a written notice to the offender of his noncompliant status and the suspension of his driving privilege, and also generates the noncompliant letter to the sheriff. The MSOR staff

enters the noncompliant offender in the National Sex Offender Registry (NCIC) as an “absconder.”

5. If the offender reports to a driver’s license station after issuance of the noncompliance and suspension letters, the driver’s license examiner will instruct the offender to report to the sheriff of the county in which he resides to resolve his noncompliant status. If the sheriff reregisters the offender and restores his compliant status, the offender must then report to any driver’s license station in the state, with a copy of his newly completed *Registration Form*, pay the \$5.00 fee, be photographed, and issued a new sex offender card with his next 90-day re-registration date on it. The offender is not required to pay the \$25.00 reinstatement fee for his driving privilege at that time.
6. When the offender becomes compliant, the MSOR staff will remove the “absconder” status from his National Sex Offender Registry record.
7. Copies of the noncompliant letter to the sheriff and the notice of sex offender noncompliance/suspension of driving privileges are included as Section \*\*\*.

## **Criminal Information Center Policy: 12.007**

### 12.007.01 Disclosure of Volunteer at Organization with Minors Policy

1. Any person who is convicted of a sex offense who volunteers for an organization in which volunteers have direct, private and unsupervised contact with minors shall notify the organization in writing of the person’s conviction at the time of volunteering. Any organization which accepts volunteers is required to notify volunteers of this disclosure requirement upon application of the volunteer to serve or prior to acceptance of the volunteer’s service, whichever occurs first.
2. If the organization accepts the offender as a volunteer after receiving notification the organization is required to notify the parents or guardians of any minors involved in the organization of the offender’s criminal record.
3. If an offender is currently volunteering for such an organization, the offender must immediately resign or notify the organization immediately upon receipt of notice or be subject to the penalties of the MS sex offender law.
4. Failure to provide required notification to a volunteer organization is a violation of the law. Any violation of this law is a felony and shall be punishable by a fine of not more than \$5,000 or imprisonment in the State Penitentiary for not more than five years, or both fine and imprisonment. The offender’s driving privilege in the State of Mississippi is also suspended for noncompliance.

*Statutory Reference: Miss. Code Ann. 45-33-32.*

### 12.007.02 Procedure

1. At the time of initial registration or upon registration following noncompliant status, the responsible agency is required to inform the offender of his duties to register and have the offender read and sign the *Acknowledgement of Convicted Sex Offender's Duty to Register* form. This form clearly states the following as a duty of registration:
  - a. If you volunteer with an organization in which volunteers have direct, private or unsupervised contact with minors, you are required to notify the organization in writing at the time of volunteering that you have been convicted of a sex offense.
2. If the MSOR receives notification that an offender has failed to provide the required notification to an organization, the staff will flag the offender as noncompliant and suspend his driving privilege. At the time an offender is identified as noncompliant, the MSOR generates a written notice to the offender of his noncompliant status and the suspension of his driving privilege, and also generates the noncompliant letter to the sheriff. Refer to Section \*\*\* for further information on Noncompliant Offenders.

### **Criminal Information Center Policy: 12.008**

#### 12.008.01 Relief From Duty to Register Policy

1. *Miss. Code Ann.* Section 45-33-47 sets forth the requirements for a sex offender with the duty to register to petition for relief from the duty. It also sets forth the requirements for lifetime registration for sex offenders.

#### 12.008.02 Petition for Relief from Duty to Register

1. *Miss. Code Ann.* Section 45-33-47 states that a sex offender with the duty to register under Section 45-33-25 can be relieved of the duty to register as follows.

The offender may petition the court of the sentencing jurisdiction for relief from the duty to register as set forth in *Miss. Code Ann.* Section 45-33-47 if the offender has maintained registration in Mississippi for not less than ten (10) years from the most recent date of occurrence of one of the following:

  - a. release from prison,
  - b. placement on parole, or
  - c. supervised release or probation.
2. Incarceration for any offense will restart the ten-year minimum registration requirement. Registration in any other jurisdiction or state does not reduce the ten-year minimum time requirement for maintaining registration in Mississippi.
3. The court will consider the nature of the offense and the criminal and relevant non-criminal behavior of the offender before and after the conviction. The court will relieve the person of the duty to register ONLY IF the offender shows by clear and convincing evidence that future registration will not serve the purpose of the law. If such relief is

granted by the court, a certified copy of the court order granting relief shall be forwarded to the CIC.

*Statutory Reference: Miss. Code Ann. Section 45-33-47.*

### 12.008.03 Lifetime Registration Requirements

1. If an offender has been convicted of one (1) of the following offenses, the offender is subject to lifetime registration and shall not be relieved of the duty to register:
  - a. rape (Section 97-3-65)
  - b. rape and assault with intent to ravish (Section 97-3-71)
  - c. sexual battery (Section 97-3-95)
  - d. exploitation of children (Section 97-3-33 (1) (2))
  - e. carnal knowledge of a stepchild, adopted child, or child of a cohabiting partner (Section 97-5-41)
  - f. any conviction for violation of a similar law of another jurisdiction
  
2. Additionally, the following offenders are subject to lifetime registration and shall not be eligible to petition for relief of the duty to register:
  - a. an offender who has two (2) separate convictions for any of the offenses described in Section 45-33-23, as long as one (1) of the convictions was entered on or after July 1, 1995;
  - b. an offender who resides in Mississippi and who has been designated a sexual predator, a sexually violent predator or a similar designation in another state;
  - c. an offender twice adjudicated delinquent in a youth court for the crime of rape pursuant to Section 96-3-65 or sexual battery pursuant to Section 97-3-95.

## **Criminal Information Center Policy: 12.009**

### 12.009.01 Public Requests for Information Policy

1. In compliance with federal and state law, the MSOR releases relevant registration information to members of the public upon request. Only information regarding convicted offenders is released. The name of the victim is NOT released under any circumstances.

### 12.009.02 Summary of Legal Requirements

1. The law states the information that may be released to the public includes:
  - a. name

- b. address
- c. photograph, if available
- d. date of photograph
- e. hair and eye color
- f. sex
- g. race
- h. date of birth
- i. place of employment
- j. crime for which convicted
- k. date and place of conviction, and
- l. any other information deemed necessary for the protection of the public.

*Statutory Authority: Miss. Code Ann. Section 45-33-49.*

#### 12.009.03 Procedure

1. Information is released to the public in one of several ways:
  - a. The sheriff of each county is required to keep current information on sexual offenders residing in that county and to make it available to any person upon request as specified in §45-33-49.
  - b. Individuals may request the information in writing from the MSOR.
  - c. The public may access information maintained on the MSOR web site on the Internet at the following address: [www.sor.mdps.state.ms.us](http://www.sor.mdps.state.ms.us)

#### 12.009.04 Written Requests

1. When the Department receives a written request for information via U.S. mail or MSOR email, the staff ensures the information that is requested can be released and then obtains it from the MSOR. If the request is for information regarding a specific offender, a Public Flier is printed from that offender's record. If the request is for all individuals in a specified city or county, that specific report is generated, if it is available. In each case, the staff records the request and sends the information to the requestor.

#### 12.009.05 Telephone Requests

1. There is a designated "hot line" telephone line for the MSOR. All incoming and outgoing calls made on this line are recorded and maintained on file at DPS. If a request for information is made over the telephone, the staff directs the requestor to submit the request in writing.
2. Note: All information provided upon written request is based on a NAME SEARCH ONLY.

## **Criminal Information Center Policy: 12.010**

### 12.010.01 Offender Information Request Policy

1. In compliance with federal and state law, the MSOR releases relevant registration information to a registered offender upon request. Only information regarding convicted offenders is released.
2. The law states the information that may be provided includes:
  - a. name
  - b. address
  - c. photograph, if available
  - d. date of photograph
  - e. place of employment
  - f. crime for which convicted
  - g. date and place of conviction
  - h. hair and eye color
  - i. race
  - j. sex
  - k. date of birth
  - l. any other information deemed necessary for the protection of the public.

*Statutory Authority: Miss. Code Ann. Section 45-33-49.*

### 12.010.02 Procedure

1. If an offender requests information about his or her record by telephone, the MSOR staff first informs the offender of the MSOR website address. If the offender does not have access to a computer, the staff instructs the offender to submit the request in writing. Upon receipt of the written request, the staff records the request in the offender's file and prints the Public Flier (refer to Section \*\*\*) from the offender's record in the MSOR. The flier is mailed to the offender making the request.
2. If the offender requests to view his file, he must submit the request in writing. Upon receipt of the request, the MSOR Director responds by letter scheduling a time and location to meet at the Department of Public Safety headquarters. The offender is required to provide personal identification information, including a set of fingerprints, at the meeting. The prints are checked to verify his/her identity. The offender is then allowed to review the contents of the file in his presence of the MSOR Director or other designated Departmental employee.

## **Criminal Information Center Policy: 12.011**

### 12.011.01 Campus Notification Policy

1. To comply with the Campus Sex Crimes Prevention Act (otherwise known as the Clery Act), the State of Mississippi requires sex offenders to submit information regarding any employment, enrollment, vocation or volunteer work at any school in Mississippi to include institutions of higher learning, professional institutes, educational/trade schools, and primary or secondary schools. The offender is required to provide the name of the institution or school at which the offender is employed, carries on a vocation (with or without compensation) or is enrolled as a student.

*Statutory Reference: Miss. Code Ann. Section 45-33-25 (2)(r), 45-33-29(2), 45-33-35.*

#### 12.011.02 Procedure

1. All offenders are informed of this requirement upon registration at the time they sign the *Acknowledgment of Convicted Sex Offender's Duty to Register*. An offender who meets the above criteria is required to register in the same manner as any other resident. All information is collected and stored in the MSOR database. The offender's record, at the time of entry, is flagged to indicate the offender is employed, enrolled or practices a vocation with or without compensation with an institution of higher learning in Mississippi. The name of the school is entered in the system.
2. At the time the offender's information is received, the MSOR will send a written notification to the sheriff in the county where the institution is located and to the institution's security force or administration informing them of the presence of the offender.

### **Criminal Information Center Policy: 12.012**

#### 12.012.01 Exemptions for Expunction Policy

1. Except for juvenile criminal history information that has been sealed by order of the court, expunction of sex offense convictions is prohibited by law.

*Statutory Authority: Miss. Code Ann. Section 45-33-55.*

### **Criminal Information Center Policy: 12.013**

#### 12.013.01 Sheriff Annual Reconciliation Policy

1. The sheriffs' offices shall be responsible for verifying their respective registries annually against the Department's records.

*Statutory Authority: Miss. Code Ann. Section 45-33-49 (3).*

### 12.013.02 Procedure

1. Each year, the MSOR generates a list of all registered offenders residing in each county and forwards it to each sheriff in the state. The sheriff is responsible for comparing the MSOR-generated list with the information maintained at the county level to ensure the information is current, accurate and in agreement at both levels. The sheriff must notify the Center of any discrepancies or changes in Registry information

## **Chapter 13**

### **Mississippi Criminal Information Center Policy: 13.001**

#### 13.001.01 Silencer Registration Policy

1. All instruments or devices which, if used on firearms of any kind, will arrest or muffle the report of that firearm when it is shot or fired, or armor piercing ammunition, as defined by federal law, must be registered with the Department of Public Safety. Any law enforcement agency which possesses any of these instruments or devices must submit an annual inventory of them to DPS.
2. The law further states that it is unlawful for any person, persons, corporation, or manufacturing establishment which is not authorized by federal law to make, manufacture, sell or possess any such instrument or armor piercing ammunition.

*Statutory Authority: Miss. Code Ann. Section 97-37-31.*

### **Mississippi Criminal Information Center Policy: 13.002**

#### 13.002.01 Procedure

1. Any person, sole proprietorship, partnership, corporation or law enforcement agency which makes, manufactures, sells or possesses any firearm suppressor or silencer must contact the DPS and request an application for registration of silencer or of armor piercing ammunition. A copy of the State Firearm Silencer/Suppressor Registration form is included in Section 13.0.1.
2. The requestor must fully complete the application, sign and date it, and submit it to the Center. The Records Unit of the Center receives and date stamps the application and enters it into the "State Firearm Silencer Registration Database." The application is filed by registrant's name.



