

MS Electronic Crime Statutes

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§ 97-45-1. Definitions.

For the purposes of this chapter, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Access" means to program, to execute programs on, to communicate with, store data in, retrieve data from or otherwise make use of any resources, including data or programs, of a computer, computer system or computer network.

(b) "Computer" includes an electronic, magnetic, optical or other high-speed data processing device or system performing logical arithmetic and storage functions and includes any property, data storage facility or communications facility directly related to or operating in conjunction with such device or system. "Computer" shall not include an automated typewriter or typesetter, a machine designed solely for word processing which contains no database intelligence or a portable hand-held calculator nor shall "computer" include any other device which contains components similar to those in computers but in which the components have the sole function of controlling the device for the single purpose for which the device is intended unless the thus controlled device is a processor of data or is a storage of intelligence in which case it too is included.

(c) "Computer network" means a set of related, remotely connected devices and communication facilities including at least one (1) computer system with the capability to transmit data through communication facilities.

(d) "Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.

(e) "Computer software" means a set of computer programs, procedures and associated documentation concerned with operation of a computer system.

(f) "Computer system" means a set of functionally related, connected or unconnected, computer equipment, devices or computer software.

(g) "Computer services" means providing access to or service or data from a computer, a computer system or a computer network and includes the actual data processing.

(h) "Credible threat" means a threat made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety.

(i) "Loss or damage" includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data,

program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred or other consequential damages incurred because of interruption of service.

(j) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic or other impulses.

(k) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric or photo-optical system.

(l) "Electronic mail" means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder or other electronic means sent to a person identified by a unique address or address number and received by that person.

(m) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

(n) "Financial instrument" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card as defined in [Section 97-19-9\(b\)](#), Mississippi Code of 1972, or marketable security.

(o) "Financial transaction device" means any of the following:

(i) An electronic funds transfer card.

(ii) A credit card.

(iii) A debit card.

(iv) A point-of-sale card.

(v) Any instrument, device, card, plate, code, account number, personal identification number, or a record or copy of a code, account number, or personal identification number or other means of access to a credit account or deposit account, or a driver's license or state identification card used to access a proprietary account, other than access originated solely by a paper instrument, that can be used alone or in conjunction with another access device, for any of the following purposes.

1. Obtaining money, cash refund or credit account credit, goods, services or any other thing of value.

2. Certifying or guaranteeing to a person or business the availability to the device holder of funds on deposit to honor a draft or check payable to the order of that person or business.

3. Providing the device holder access to a deposit account for the purpose of making deposits, withdrawing funds, transferring funds between deposit accounts, obtaining information pertaining to a deposit account or making an electronic funds transfer.

(p) "Intellectual property" includes data, computer programs, computer software, trade secrets, copyrighted materials and confidential or proprietary information in any form or medium when such is stored in, produced by or intended for use or storage with or in a computer, a computer system or a computer network.

(q) "Internet" means that term as defined in Section 230 of Title II of the Communications Act of 1934, Chapter 652, 110 Stat. 137, 47 USCS 230.

(r) "Medical records" includes, but is not limited to, medical and mental health histories, reports, summaries, diagnoses and prognoses, treatment and medication information, notes, entries, and x-rays and other imaging records.

(s) "Personal identity information" means any of the following information of another person:

(i) A social security number.

(ii) A driver's license number or state personal identification card number.

(iii) Employment information.

(iv) Information regarding any financial account held by another person including, but not limited to, any of the following:

1. A savings or checking account number.

2. A financial transaction device account number.

3. A stock or other security certificate or account number.

4. A personal information number for an account described in items 1 through 4.

(t) "Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating or attempting to transfer, send, post, publish, disseminate or otherwise communicate information, whether truthful or untruthful, about the victim.

(u) "Property" means property as defined in [Section 1-3-45](#), Mississippi Code of 1972, and shall specifically include, but not be limited to, financial instruments, electronically

stored or produced data and computer programs, whether in machine readable or human readable form.

(v) "Proper means" includes:

(i) Discovery by independent invention;

(ii) Discovery by "reverse engineering"; that is, by starting with the known product and working backward to find the method by which it was developed. The acquisition of the known product must be by lawful means;

(iii) Discovery under license or authority of the owner;

(iv) Observation of the property in public use or on public display; or

(v) Discovery in published literature.

(w) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes any of the following:

(i) Following or appearing within sight of the victim.

(ii) Approaching or confronting the victim in a public place or on private property.

(iii) Appearing at the victim's workplace or residence.

(iv) Entering onto or remaining on property owned, leased or occupied by the victim.

(v) Contacting the victim by telephone.

(vi) Sending mail or electronic communications to the victim through the use of any medium, including the Internet or a computer, computer program, computer system or computer network.

(vii) Placing an object on, or delivering or having delivered an object to, property owned, leased or occupied by the victim.

(x) "Use" means to make use of, to convert to one's service, to avail oneself of or to employ. In the context of this act, "use" includes to instruct, communicate with, store data in or retrieve data from, or otherwise utilize the logical arithmetic or memory functions of a computer.

(y) "Victim" means the individual who is the target of the conduct elicited by the posted message or a member of that individual's immediate family.

Sources: Laws, 1985, ch. 319, § 1; Laws, 2003, ch. 562, § 4, eff from and after July 1, 2003.

§ 97-45-2. Identity theft; definitions; investigative authority of Attorney General; form of subpoena; enforcement and penal provisions; refusal to produce documents as requested by subpoena; confidentiality of information.

(1) For the purposes of this chapter, "identity theft" includes crimes chargeable under the following provisions of law:

- (a) [Section 97-9-79](#), which relates to false information.
- (b) [Section 97-19-83](#), which relates to fraud by mail or other means of communication.
- (c) [Section 97-19-85](#), which relates to the fraudulent use of identity social security number, credit card or debit card number or other identifying information.
- (d) [Section 97-45-19](#), which relates to obtaining personal identity information of another person without authorization.

(2) (a) In conducting identity theft investigations, the Attorney General shall have the authority to issue and serve subpoenas to any person in control of any designated documents for the production of such documents, including, but not limited to, writings, drawings, graphs, charts, photographs, phono-records and other data compilations from which information can be obtained, or translated through detection devices into reasonably usable form. Such subpoenas shall require the named person, his agent or attorney, to appear and deliver the designated documents to a location in the county of his residence unless the court for good cause shown directs that the subpoena be issued for the person to deliver such documents to a location outside of the county of his residence. Mere convenience of the Attorney General shall not be considered good cause. The Attorney General or his designee shall have the authority to inspect and copy such documents. Such subpoenas shall be issued only upon the ex parte and in camera application of the Attorney General to the circuit or chancery court of the county of residence of the person in control of the documents or the circuit or chancery court of the county where the person in control of the documents may be found, and only upon a showing that the documents sought are relevant to a criminal investigation under this chapter or may lead to the discovery of such relevant evidence. Thereafter said court shall have jurisdiction to enforce or quash such subpoenas and to enter appropriate orders thereon, and nothing contained in this section shall affect the right of a person to assert a claim that the information sought is privileged by law.

(b) A subpoena issued pursuant to this subsection shall be in substantially the following form:

SUBPOENA TO PRODUCE DOCUMENTS

PURSUANT TO AN INVESTIGATION BY THE ATTORNEY
GENERAL

TO:

YOU ARE HEREBY COMMANDED to appear before the Attorney General of the State of Mississippi or his designated staff attorney at the place, date and time specified below in an investigation being conducted by the Attorney General pursuant to Section _____, Mississippi Code of 1972:

Place _____ Date and Time _____

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s) _____.

You are advised that the _____ Court of the _____ Judicial District of _____ County, Mississippi, has approved the ex parte and in camera application of the Attorney General to issue this subpoena, and jurisdiction to enforce and/or quash the subpoena and to enter appropriate orders thereon is statutorily vested in the said court; enforcement and penal provisions applicable to an Attorney General's investigation include those set forth in Section _____, Mississippi Code of 1972; and disclosure of testimony and/or records coming into possession of the Attorney General pursuant to this subpoena shall be limited by and subject to the provisions of said section (for informational purposes, these cited statutes are reproduced on the reverse side of this subpoena).

You may wish to consult an attorney in regard to this subpoena. You have certain state and federal constitutional rights, including your protection against self-incrimination and unreasonable search and seizure which this subpoena may affect.

ISSUED BY AND UNDER SEAL OF THE ATTORNEY GENERAL OF THE STATE OF MISSISSIPPI, this the _____ day of _____, 20_____.

(SEAL) _____

(c) Following service of any subpoena, pursuant to the provisions of this subsection, a record of the return shall be made and kept by the Attorney General and subject only to such disclosure as may be authorized pursuant to the provisions of this section.

(3) Enforcement and penal provisions applicable to an investigation under this section shall include the following:

(a) If a person who has been served with a subpoena, which has been issued and served upon him in accordance with the provisions of this section, shall fail to deliver or have delivered the designated documents at the time and place required in the subpoena, on application of the Attorney General the circuit or chancery court having approved the

issuance of the subpoena may issue an attachment for such person, returnable immediately, or at such time and place as the court may direct. Bond may be required and fine imposed and proceedings had thereon as in the case of a subpoenaed witness who fails to appear in circuit or chancery court.

(b) Every person who shall knowingly and willfully obstruct, interfere with or impede an investigation under this section by concealing or destroying any documents, papers or other tangible evidence which are relevant to an investigation under this section shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

(c) Every person who shall knowingly and willfully endeavor, by means of bribery, force or intimidation, to obstruct, delay or prevent the communication of information to any agent or employee of the Office of the Attorney General or who injures another person for the purpose of preventing the communication of such information or an account of the giving of such information relevant to an investigation under this section shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

(d) The provisions of paragraphs (a), (b) and (c) of this subsection shall not prohibit the enforcement of, or prosecution under, any other statutes of this state.

(4) (a) If any person shall refuse, or is likely to refuse, on the basis of his privilege against self-incrimination, to produce the designated documents as requested by a subpoena issued under this section or issued by a court, the Attorney General may request the court, ex parte and in camera, to issue an order requiring such person to produce the documents information which he refuses to give or provide on the basis of his privilege against self-incrimination. The Attorney General may request said order under this subsection when, in his judgment:

(i) The documents sought from such individual may be necessary to the public interest; and

(ii) Such individual has refused or is likely to refuse to produce the designated document on the basis of his privilege against self-incrimination.

Following such request, an order shall issue in accordance with this section requiring such person to produce the documents which he refuses to produce on the basis of his privilege against self-incrimination.

(b) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to produce documents, and the court issues to the witness an order under paragraph (a) of this subsection, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination, but no documents or information compelled under

the aforesaid order, or any information directly or indirectly derived from such documents may be used against the witness in any criminal proceeding, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

(5) Documents in the possession of the Attorney General gathered pursuant to the provisions of this section and subpoenas issued by him shall be maintained in confidential files with access limited to prosecutorial and other law enforcement investigative personnel on a "need to know" basis and shall be exempt from the provisions of the Mississippi Public Records Act of 1983, except that upon the filing of an indictment or information, or upon the filing of an action for recovery of property, funds or fines, such documents shall be subject to such disclosure as may be required pursuant to the applicable statutes or court rules governing the trial of any such judicial proceeding.

(6) No person, including the Attorney General, a member of his staff, prosecuting attorney, law enforcement officer, witness, court reporter, attorney or other person, shall disclose to an unauthorized person documents, including subpoenas issued and served, gathered by the Attorney General pursuant to the provisions of this section, except that upon the filing of an indictment or information, or upon the filing of an action for recovery of property, funds or fines, or in other legal proceedings, such documents shall be subject to such disclosure as may be required pursuant to applicable statutes and court rules governing the trial of any such judicial proceeding. In event of an unauthorized disclosure of any such documents gathered by the Attorney General pursuant to the provisions of this section, the person making any such unauthorized disclosure shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment of not more than six (6) months, or by both such fine and imprisonment.

(7) The powers of the Attorney General under this section shall not diminish the powers of local authorities to investigate or prosecute any type of identity theft crime or any other criminal conduct within their respective jurisdictions, and the provisions of this section shall be in addition to the powers and authority previously granted the Attorney General by common, constitutional, statutory or case law.

Sources: Laws, 2004, ch. 526, § 6, eff from and after July 1, 2004.

§ 97-45-3. Computer fraud; penalties.

(1) Computer fraud is the accessing or causing to be accessed of any computer, computer system, computer network or any part thereof with the intent to:

(a) Defraud;

(b) Obtain money, property or services by means of false or fraudulent conduct, practices or representations; or through the false or fraudulent alteration, deletion or insertion of programs or data; or

(c) Insert or attach or knowingly create the opportunity for an unknowing and unwanted insertion or attachment of a set of instructions or a computer program into a computer program, computer, computer system, or computer network, that is intended to acquire, alter, damage, delete, disrupt, or destroy property or otherwise use the services of a computer program, computer, computer system or computer network.

(2) Whoever commits the offense of computer fraud shall be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. However, when the damage or loss or attempted damage or loss amounts to a value of Five Hundred Dollars (\$500.00) or more, the offender may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

Sources: Laws, 1985, ch. 319, § 2; Laws, 2003, ch. 562, § 5, eff from and after July 1, 2003.

§ 97-45-5. Offense against computer users; penalties.

(1) An offense against computer users is the intentional:

(a) Denial to an authorized user, without consent, of the full and effective use of or access to a computer, a computer system, a computer network or computer services; or

(b) Use or disclosure to another, without consent, of the numbers, codes, passwords or other means of access to a computer, a computer system, a computer network or computer services.

(2) Whoever commits an offense against computer users shall be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. However, when the damage or loss amounts to a value of One Hundred Dollars (\$100.00) or more, the offender may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00), or imprisonment for not more than five (5) years, or by both such fine and imprisonment.

Sources: Laws, 1985, ch. 319, § 3, eff from and after July 1, 1985.

§ 97-45-7. Offense against computer equipment; penalties.

(1) An offense against computer equipment or supplies is the intentional modification or destruction, without consent, of computer equipment or supplies used or intended to be used in a computer, computer system or computer network.

(2) Whoever commits an offense against computer equipment or supplies shall be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six months or both such fine and imprisonment. However, when the damage or loss amounts to a value of One Hundred Dollars (\$100.00) or more, the offender may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

Sources: Laws, 1985, ch. 319, § 4, eff from and after July 1, 1985.

§ 97-45-9. Offense against intellectual property; penalties.

(1) An offense against intellectual property is the intentional:

(a) Destruction, insertion or modification, without consent, of intellectual property; or

(b) Disclosure, use, copying, taking or accessing, without consent, of intellectual property.

(2) Whoever commits an offense against intellectual property shall be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. However, when the damage or loss amounts to a value of One Hundred Dollars (\$100.00) or more, the offender may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

(3) The provisions of this section shall not apply to the disclosure, use, copying, taking, or accessing by proper means as defined in this chapter.

Sources: Laws, 1985, ch. 319, § 5, eff from and after July 1, 1985.

§ 97-45-11. Venue.

For the purposes of venue under the provisions of this chapter, any violation of this chapter shall be considered to have been committed:

(a) In any county in which any act was performed in furtherance of any transaction violating this chapter; and

(b) In any county from which, to which or through which any access to a computer, computer system or computer network was made, whether by wire, electromagnetic waves, microwaves or any other means of communication.

Sources: Laws, 1985, ch. 319, § 6, eff from and after July 1, 1985.

§ 97-45-13. Effect on other offenses.

The criminal offenses created by this chapter shall not be deemed to supersede, or repeal, any other criminal offense.

Sources: Laws, 1985, ch. 319, § 7, eff from and after July 1, 1985

§ 97-45-15. "Cyberstalking"; penalties.

(1) It is unlawful for a person to:

(a) Use in electronic mail or electronic communication any words or language threatening to inflict bodily harm to any person or to that person's child, sibling, spouse or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person.

(b) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of threatening, terrifying or harassing any person.

(c) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to threaten, terrify or harass.

(d) Knowingly permit an electronic communication device under the person's control to be used for any purpose prohibited by this section.

(2) Whoever commits the offense of cyberstalking shall be punished, upon conviction:

(a) Except as provided herein, the person is guilty of a felony punishable by imprisonment for not more than two (2) years or a fine of not more than Five Thousand Dollars (\$5,000.00), or both.

(b) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both:

(i) The offense is in violation of a restraining order and the person has received actual notice of that restraining order or posting the message is in violation of an injunction or preliminary injunction.

(ii) The offense is in violation of a condition of probation, a condition of parole, a condition of pretrial release or a condition of release on bond pending appeal.

(iii) The offense results in a credible threat being communicated to the victim, a member of the victim's family, or another individual living in the same household as the victim.

(iv) The person has been previously convicted of violating this section or a substantially similar law of another state, a political subdivision of another state, or of the United States.

(3) This section does not apply to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest or assembly.

Sources: Laws, 2003, ch. 562, § 6, eff from and after July 1, 2003.

§ 97-45-17. Posting of messages through electronic media for purpose of causing injury to any person; penalties.

(1) A person shall not post a message for the purpose of causing injury to any person through the use of any medium of communication, including the Internet or a computer, computer program, computer system or computer network, or other electronic medium of communication without the victim's consent, for the purpose of causing injury to any person.

(2) A person who violates this section, upon conviction, shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.

Sources: Laws, 2003, ch. 562, § 7, eff from and after July 1, 2003.

§ 97-45-19. Identity theft.

(1) A person shall not obtain or attempt to obtain personal identity information of another person with the intent to unlawfully use that information for any of the following purposes without that person's authorization:

(a) To obtain financial credit.

(b) To purchase or otherwise obtain or lease any real or personal property.

(c) To obtain employment.

(d) To obtain access to medical records or information contained in medical records.

(e) To commit any illegal act.

(2) (a) A person who violates this section is guilty of a felony punishable by imprisonment for not less than two (2) nor more than fifteen (15) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2), if the violation involves an amount of less than Two Hundred Fifty Dollars (\$250.00), a person who violates this section may be found guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not more than six (6) months, or by a fine of not more than One Thousand Dollars (\$1,000.00), or both, in the discretion of the court.

(c) For purposes of determining the amount of the violation, the value of all goods, property, services and other things of value obtained or attempted to be obtained by the use of an individual's identity information shall be aggregated.

(3) This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law committed by that person using information obtained in violation of this section.

(4) This section does not apply to a person who obtains or attempts to obtain personal identity information of another person pursuant to the discovery process of a civil action, an administrative proceeding or an arbitration proceeding.

(5) Upon the request of a person whose identifying information was appropriated, the Attorney General may provide assistance to the victim in obtaining information to correct inaccuracies or errors in the person's credit report or other identifying information; however, no legal representation shall be afforded such person by the Office of the Attorney General.

(6) A person convicted under this section or under [Section 97-19-85](#) shall be ordered to pay restitution as provided in [Section 99-37-1](#) et seq., and any legal interest in addition to any other fine or imprisonment which may be imposed.

Sources: Laws, 2003, ch. 562, § 8; Laws, 2004, ch. 526, § 1, eff from and after July 1, 2004.

§ 97-45-21. Jurisdiction for bringing criminal action.

(1) For purposes of bringing a criminal action under this chapter, a person who causes, by any means, the access of a computer, computer system or computer network in one

jurisdiction from another jurisdiction is deemed to have personally accessed the computer, computer system or computer network in each jurisdiction.

(2) For offenses under [Section 97-45-19](#) or [Section 97-19-85](#) which occur in multiple jurisdictions but which do not involve a computer, computer system or computer network, jurisdiction is deemed to be proper in each jurisdiction where any element of the offense occurred.

Sources: Laws, 2003, ch. 562, § 9; Laws, 2004, ch. 526, § 2, eff from and after July 1, 2004.

§ 97-45-23. Investigations and prosecutions.

Prosecutions for violations under Title 97, Chapter 45, or [Section 97-5-33](#), may be instituted by the Attorney General, his designee or the district attorney of the district in which the violation occurred, and shall be conducted in the name of the State of Mississippi. In the prosecution of any criminal proceeding in accordance with this subsection by the Attorney General, his designee, and in any proceeding before a grand jury in connection therewith, the Attorney General, or his designee, shall exercise all the powers and perform all the duties which the district attorney would otherwise be authorized or required to exercise or perform. The Attorney General, or his designee, shall have the authority to issue and serve subpoenas in the investigation of any matter which may violate Title 97, Chapter 45, or [Section 97-5-33](#).

Sources: Laws, 2003, ch. 562, § 10, eff from and after July 1, 2003.

§ 97-45-25. Additional penalties for violations under this chapter.

In a proceeding for violations under Title 97, Chapter 45, [Section 97-5-33](#) or [Section 97-19-85](#), the court, in addition to the criminal penalties imposed under this chapter, shall assess against the defendant convicted of such violation double those reasonable costs that are expended by the Office of Attorney General, the district attorney's office, the sheriff's office or police department involved in the investigation of such case, including, but not limited to, the cost of investigators, software and equipment utilized in the investigation, together with costs associated with process service, court reporters and expert witnesses. The Attorney General or district attorney may institute and maintain proceedings in his name for enforcement of payment in the circuit court of the county of residence of the defendant and, if the defendant is a nonresident, such proceedings shall be in the Circuit Court of the First Judicial District of Hinds County, Mississippi. The Attorney General or district attorney shall distribute the property or interest assessed under this section as follows:

(a) Fifty percent (50%) shall be distributed to the unit of state or local government whose officers or employees conducted the investigation into computer fraud, identity theft or child exploitation which resulted in the arrest or arrests and prosecution. Amounts distributed to units of local government shall be used for training or enforcement

purposes relating to detection, investigation or prosecution of computer and financial crimes, including computer fraud or child exploitation.

(b) Where the prosecution was maintained by the district attorney, fifty percent (50%) shall be distributed to the county in which the prosecution was instituted by the district attorney and appropriated to the district attorney for use in training or enforcement purposes relating to detection, investigation or prosecution of computer and financial crimes, including computer fraud or child exploitation. Where a prosecution was maintained by the Attorney General, fifty percent (50%) of the proceeds shall be paid or distributed into the Attorney General's Cyber Crime Central or the Attorney General's special fund to be used for consumer fraud education and investigative and enforcement operations of the Office of Consumer Protection. Where the Attorney General and the district attorney have participated jointly in any part of the proceedings, twenty-five percent (25%) of the property forfeited shall be paid to the county in which the prosecution occurred, and twenty-five percent (25%) shall be paid to the Attorney General's Cyber Crime Central or the Attorney General's special fund to be used for the purposes as stated in this paragraph.

Sources: Laws, 2003, ch. 562, § 11; Laws, 2004, ch. 526, § 3, eff from and after July 1, 2004.

§ 97-45-27. Identity theft; victim authorized to expunge record of false charges accrued on account of activities of the perpetrator.

Any person whose name or other identification has been used without his consent or authorization by another person, with the use resulting in charges, an arrest record, or a conviction putatively on the record of the person whose name or other identification was appropriated, the person whose name or other identification has been used without his consent or authorization may file a petition for expunction of such charges or arrest record or conviction, or any of them, with any court which has jurisdiction over the matter.

Sources: Laws, 2004, ch. 526, § 4, eff from and after July 1, 2004

§ 97-45-29. Identity theft; Attorney General authorized to issue "Identity Theft Passports" verifying that expunction order has been entered or police report has been filed; access to identity theft information.

(1) A person who has petitioned the court pursuant to [Section 97-45-27](#) to expunge any charges, arrest record or conviction falsely entered against the person as a result of the appropriation of his name or other identifying information may submit to the Attorney General a certified copy of a court order obtained. The Office of the Attorney General may issue an "Identity Theft Passport" verifying that such order has been entered.

(2) Any person who has filed a police report alleging that the person's name or other identification has been used without the person's consent or authorization by another person may submit a copy of the police report to the Attorney General. The Office of the Attorney General may issue an "Identity Theft Passport" stating that such police report has been submitted.

(3) The Office of the Attorney General may provide access to identity theft information to law enforcement agencies and individuals who have submitted a police report or court order pursuant to this chapter and any other person or entity as appropriate.

Sources: Laws, 2004, ch. 526, § 5, eff from and after July 1, 2004.