

MISSISSIPPI LIBRARY MATERIALS SECURITY LAW

All library staff must notify their patrons about the law, after receiving in writing advice from their local city/county attorney on local prosecution procedures of patrons not in compliance with the law, by posting the law in their libraries and by sending a copy of the law in with the overdue notices at the appropriate stage.

ARTICLE 7

LIBRARY MATERIALS SECURITY

Sec.

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§ 39-3-301. Short title.

This article shall be known and may be cited as the "Mississippi Library Materials Security Law."

SOURCES: Laws, 1978, ch. 418, § 1, eff from and after July 1, 1978.

§ 39-3-303. Unauthorized removal or wilful mutilation of library materials.

(1) It shall be unlawful for any person to remove library materials, without authorization, from the premises wherein such materials are maintained or to retain possession of library materials without authorization.

(2) It shall be unlawful for any person to wilfully mutilate library materials.

SOURCES: Laws, 1978, ch. 418, § 2, eff from and after July 1, 1978.

§ 39-3-305. Definitions.

As used in this article the term:

(a) "Without authorization" means contrary to rules which set forth policies governing access to library materials and include eligibility for library patronage and lending procedures.

(b) "Library materials" means books, manuscripts, letters, newspapers, court records, films, microfilms, tape recordings, phonograph records, lithographs, prints, photographs or any other written or printed document, graphic material of any nature and other personal property which is the property or in the custody of or entrusted to a public or private library, museum, archives or other depository.

(c) "Mutilate" means, in addition to its commonly accepted definition, the wilfull removal or separation of constituent parts of an item of library materials causing library materials to be exposed to damage; or duplication without authorization.

SOURCES: Laws, 1978, ch. 418, § 3, eff from and after July 1, 1978.

§ 39-3-307. Applicability.

The provisions of this article shall apply to all libraries, museums, archives and other depositories operated by an agency, board, commission, department or officer of the State of Mississippi, by private persons, societies or organizations, or by agencies or officers of municipalities, counties, school and junior college districts or of any other political subdivisions of the State of Mississippi.

SOURCES: Laws, 1978, ch. 418, § 4, eff from and after July 1, 1978.

§ 39-3-309. Penalty.

Any person who violates the provisions of section 39-3-303 is guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment.

SOURCES: Laws, 1978, ch. 418, § 5, eff from and after July 1, 1978.

Cross references—

Imposition of standard state assessment in addition to all court imposed fines or other penalties for any misdemeanor violation, see § 99-19-73.

§ 39-3-311. Relation with other criminal or civil proceedings.

The provisions of this article are supplemental to other criminal statutes. An acquittal or conviction obtained under this article shall not be a bar to civil proceedings or actions arising from the same incident.

SOURCES: Laws, 1978, ch. 418, § 6, eff from and after July 1, 1978.

§ 39-3-313. Reasonable detention and questioning to determine whether offense was committed.

Any person employed by a library or any person charged with the supervision thereof with reason to believe that any person has committed or has attempted to commit any offense defined in section 39-3-303 of this article or if any person is believed to have concealed upon his person or within his belongings any library material, such person may be detained and questioned in a reasonable manner for the purpose of ascertaining whether or not such offense has been committed. Such detention and questioning shall not render such employee civilly liable for slander, false arrest, false imprisonment, malicious prosecution, unlawful detention or otherwise in any case where such library employee acts in good faith and in a reasonable manner.

SOURCES: Laws, 1978, ch. 418, § 7, eff from and after July 1, 1978.