

AN ORDINANCE PROHIBITING FALSE STATEMENTS TO ANY DESOTO COUNTY POLITICAL SUBDIVISION OF THE STATE OF MISSISSIPPI, INSTRUMENTALITIES THEREOF, OR OFFICIALS THEREOF

Section I. Short Title.

This Ordinance shall be known as the False Information Ordinance.

Section II. Legislative Intent.

WHEREAS, the Board of Supervisors (the “Governing Authority”) of DeSoto County, Mississippi (the “County”) has become aware of efforts of individuals to defraud the County, or other County local political subdivisions of the State of Mississippi, or to obtain certain public benefits to which persons may not be legally entitled, through the filing of false applications, petitions other documents, or by the making of false statements to public officials of the County and County local political subdivisions.

WHEREAS, there are currently no statutory procedures to account for the efforts of certain individuals and entities to defraud the County, or other County local political subdivisions of the State of Mississippi, or to obtain certain public benefits to which persons may not be legal entitled, through the filing of false applications, petitions other documents, or by making false statements to such public officials

WHEREAS, pursuant to § 19-3-40, Mississippi Code Annotated as amended, the Governing Authority has the authority to enact such ordinances as necessary and in the best interest of the public.

Section III. Definitions.

1. Political Subdivision means any body politic or body corporate other than the state responsible for governmental activities in the geographic area of the County, including, but not limited to, any county, municipality, school district, charter school, volunteer fire department that is a chartered nonprofit corporation providing emergency services under contract with a county or municipality, community hospital as defined in Section 41-13-10, airport authority, or other instrumentality of the state, whether or not the body or instrumentality has the authority to sue or be sued in its own name.
2. Submission means any oral or written statement, affidavit, attestation, application, petition, filing or similar document and including the exhibits, attachments, appendixes, or similar documents thereto.

Section III. False Statements Prohibited.

- (a) It shall be unlawful for any person to willfully and knowingly, directly or indirectly, make any Submission that is in materially false, or conceals or covers up by trick, scheme or device a material fact, or makes any false, fictitious or fraudulent Submission to the County or Political Subdivision, instrumentality thereof, or any public servant thereof, under circumstances in which the statement could reasonably be expected to be relied upon as true; or if that person makes an affirmation by signing a filing as part of any Submission to the County or any Political Subdivision, instrumentality thereof, or any public servant thereof, knowing that the facts stated in the Submission are not true in any material respect, or if that person makes an affirmation by signing a declaration, knowing that the facts stated in the Submission are not true in any material respect;
- (b) It shall be unlawful to willfully and knowingly aid or abet any person in any activity prohibited by section (a).

Section IV. Penalties.

Any person convicted of violating this ordinance shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than 180 days, or both. Each separate Submission shall be deemed a separate offense.

Section V. Enforcement.

- (a) Any Deputy of the DeSoto County Sheriff's Department determining probable cause exists that a violation of this ordinance has occurred, may issue a citation to the offender noting the offending conditions and charging such person with a violation of this ordinance and setting a date and time certain for a hearing in the DeSoto County Justice Court. Any Deputy may, in lieu of issuing a citation to the offender, may file an affidavit in the DeSoto County Justice Court, specifically noting the offending conditions and charging the offender with a violation of this ordinance.
- (b) As an alternative to the procedures set forth under paragraphs (a) above, any officer or official of the County, or Political Subdivision, may swear out an affidavit with the DeSoto County Justice Court setting forth the sufficient facts and details of the offending conditions and charging the offender with a violation of this ordinance.
- (c) Upon receipt of any charging affidavit, as described above, the DeSoto County Justice Court shall then process the affidavit, in the same manner as affidavits asserting a violation of any other criminal statute of the State of Mississippi, so as to bring about the enforcement of this ordinance.
- (d) A violation of this section shall be prosecuted by the County Prosecuting Attorney.

Section VI: Effective Date.

This ordinance shall be in force and effect from and after its passage and shall remain in effect until such time as it is properly repealed or amended.

Section VII: Severability.

If any provision of this ordinance is ruled illegal, unconstitutional or otherwise unenforceable by a Court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

Section VIII: Conflict.

Any other ordinances of DeSoto County, Mississippi, which are conflicting or inconsistent with this ordinance, are hereby repealed to the extent of any inconsistencies or conflicts.

Section IX: Ordinance Cumulative.

This ordinance shall be cumulative and in addition to any other laws in force.

SO ORDAINED and adopted by the Board of Supervisors of DeSoto County, Mississippi, on this the 19th day of June, 2023.



RAY DENISON, President
DESOTO COUNTY BOARD OF SUPERVISORS