

Trial Judge Handbook

# WIRELESS COMMUNICATION DEVICES

Section 5

TOPIC	WIRELESS COMMUNICATION DEVICES	SUB-SECTION	05.10.00
SECTION	GENERAL INFO	ISSUANCE DATE	10/31/2018
SUB-SECTION		REVISION NUMBER	001
		REVISION DATE	11/04/2021

According to Miss. Code Ann. § 25-53-191 (Supp. 2015), circuit judges and chancellors are allowed a wireless communication device (cellular phone and/or data card).

You are only allowed **two** payment submissions per month for internet/data plan/cellular phones/etc. If you are requesting an internet reimbursement for your home or office, you will only be allowed to claim for a cellular phone OR a wireless data card through the C-Spire account.

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### **How to Obtain a Device**

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If you are interested in obtaining a cellular phone or wireless data card, please contact Jennifer Parish at 601.359.2025 or [jparish@courts.ms.gov](mailto:jparish@courts.ms.gov). She will contact C-Spire, our wireless communication device provider, and secure a phone or card for you.

Jennifer will be your contact should you have any issues with your plan or problems with your device.

TOPIC	WIRELESS COMMUNICATION DEVICES	SUB-SECTION	05.20.00
SECTION	CELL PHONE & DATA PLAN/CARD	ISSUANCE DATE	10/31/2018
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### Cell Phones

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The cellular phone is restricted to judge’s use and is for **business use only**.

Any calls made with the phone will be tracked, verified, and signed by the official and the supervisor of the official at each monthly billing cycle or other appropriate interval.

**ALL CALLS ARE PUBLIC RECORD** as they are included in the monthly bill paid by the Supreme Court and posted to [www.transparency.ms.gov](http://www.transparency.ms.gov).

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### Data Plan/Cards

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The data plan/card is for **business use only** and available for use by the judge or support staff.

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### Office Allowance Billing

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The estimated total fiscal year charge of your phone will be deducted from your office allowance balance at the beginning of your term or fiscal year.

If actual charges exceeds the estimated total, the difference will be billed to the office allowance account at that time.

**AOC reserves the right to interrupt or permanently disconnect any service not in compliance with the statute.**

TOPIC	WIRELESS COMMUNICATION DEVICES	SUB-SECTION	05.30.00
SECTION	MISS. CODE ANN § 25-53-191	ISSUANCE DATE	10/31/2018
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*Miss. Code Ann. § 25-53-191*

MISSISSIPPI CODE of 1972

\*\*\* Current through the 2018 Regular Session \*\*\*

TITLE 25. PUBLIC OFFICERS AND EMPLOYEES; PUBLIC RECORDS  
 CHAPTER 53. MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES (MDITS)  
 WIRELESS COMMUNICATION DEVICES ASSIGNED OR ISSUED TO STATE EMPLOYEES

Miss. Code Ann. § 25-53-191 (2015)

§ 25-53-191. Statement of need for issuance of wireless communication device to agency officer or employee; prohibition against personal use of device owned by state agencies; prohibition against reimbursement for use of personal wireless communication device; wireless communication device vendors to be selected from state-approved list; model policy regulating personal use of state-owned wireless communication devices to be established; state agencies to adopt model policy or other equally stringent policy

(1) For the purposes of this section, the following terms shall have the meanings ascribed to them in this section unless the context otherwise clearly requires:

(a) "Department" means the Mississippi Department of Information Technology.

(b) "State agency" means any agency, department, commission, board, bureau, institution or other instrumentality of the state.

(c) "Wireless communication device" means a cellular telephone, pager or a personal digital assistant device having wireless communication capability.

(2) Before a wireless communication device may be assigned, issued or made available to an agency officer or employee, the agency head, or his designee, shall sign a statement certifying the need or reason for issuing the device. No officer or employee of any state agency, except for an officer or employee of the Mississippi Emergency Management Agency, shall be assigned or issued more than one (1) such wireless communication device. No officer or employee of any state agency to whom has been assigned, issued or made available the use of a wireless communication device, the cost of which is paid through the use of public funds, shall use such device for personal use.

(3) A state agency shall not reimburse any officer or employee for use of his or her personal wireless communication device.

(4) Every state agency that, at the expense of the state agency, assigns, issues or makes available to any of its officers or employees a wireless communication device shall obtain and maintain detailed billing for every wireless communication device account. A list of approved vendors for the procurement of wireless communication devices and the delivery of wireless communication device services shall be developed for all state agencies by the Mississippi Department of Information Technology Services in conjunction with the Wireless Communication Commission created in Section 25-53-171. The department, in conjunction with the Wireless Communication Commission, shall exercise the option of selecting one (1) vendor from which to procure wireless communication devices and to provide wireless communication device services, or if it deems such to be most advantageous to the state agencies, it may select multiple vendors. The department, in conjunction with the Wireless Communication Commission, shall select a vendor or vendors on the basis of lowest and best bid proposals. A state agency may not procure a wireless communication device from any vendor or contract for wireless communication device services with any vendor unless the vendor appears on the list approved by the department, in conjunction with the Wireless Communication Commission. A contract entered into in violation of this section shall be void and unenforceable.

(5) The department shall promulgate a model acceptable use policy defining the appropriate use of all wireless communication devices. The acceptable use policy should specify that these resources, including both devices and services, are provided at the state agency's expense as tools for accomplishing the business missions of the state agency; that all those resources are for business use; and that more than incidental personal use of those resources is prohibited. The acceptable use policy should require that each official and employee issued one (1) of the

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above devices or authorized to access one (1) of the above services sign the policy and that the signed copy be placed in the personnel file of the official or employee. The acceptable use policy should also require that the use of these resources be tracked, verified and signed by the official or employee and the supervisor of the official or employee at each billing cycle or other appropriate interval. All state agencies shall adopt the model policy or adopt a policy that is, at minimum, as stringent as the model policy and shall provide a copy of the policy to the department.

(6) All state agencies shall purchase or acquire only the lowest cost cellular telephone, pager or personal digital assistance device which will carry out its intended use.

(7) The University of Mississippi Medical Center and its employees, the Mississippi State University Extension Service and its agents and faculty members, the Mississippi State University Agricultural and Forestry Experiment Station and its faculty members, the Mississippi State University Forestry and Wildlife Research Center and its faculty members, and the Mississippi State University College of Veterinary Medicine and its faculty members shall be exempt from the application of this section.

(8) The State Auditor shall conduct necessary audits to ensure compliance with the provisions of this section.

**HISTORY:** SOURCES: Laws, 2006, ch. 537, § 9; Laws, 2008, ch. 401, § 1; Laws, 2013, ch. 452, § 2, eff from and after July 1, 2013.