SENATE BILL NO. 2481

1   AN ACT TO AMEND SECTION 97-5-39, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE OFFENSE OF ABUSE OR NEGLECT OF A CHILD; AND FOR RELATED
3 PURPOSES.

4   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5   **SECTION 1.** Section 97-5-39, Mississippi Code of 1972, is

6 amended as follows:

7   97-5-39. (1) Any parent, guardian or other person who

8 willfully commits any act or omits the performance of any duty,

9 which act or omission contributes to or tends to contribute to the

10 neglect or delinquency of any child or which act or omission

11 results in the abuse and/or battering of any child, as defined in

12 Section 43-21-105(m) of the Youth Court Law or who knowingly aids

13 any child in escaping or absenting himself from the guardianship

14 or custody of any person, agency or institution, or knowingly

15 harbors or conceals or aids in harboring or concealing any child

16 who has absented himself without permission from the guardianship

17 or custody of any person, agency or institution to which such

18 child shall have been committed by the youth court shall be guilty

19 of a misdemeanor, and upon conviction shall be punished by a fine

20 not to exceed One Thousand Dollars ($1,000.00), or by imprisonment

21 not to exceed one (1) year in jail, or by both such fine and

22 imprisonment.

23   (2) Any person who shall intentionally (a) burn any child,

24 (b) torture any child or, (c) except in self-defense or in order

25 to prevent bodily harm to a third party, whip, strike or otherwise

26 abuse or mutilate any child in such a manner as to cause serious

27 bodily harm, shall be guilty of felonious abuse and/or battery of

28 a child and, upon conviction, may be punished by imprisonment in

29 the penitentiary for not more than twenty (20) years.

30   (3) Any person who is responsible for the safety or welfare

31 of a child under the age of four (4), including, but not limited

32 to, the child's parent, stepparent, guardian, school teacher or

33 baby sitter who recklessly or negligently causes or allows the

34 child to suffer physical, mental or emotional injury, or who

35 recklessly or negligently deprives the child of any of the basic

36 necessities of life, shall be punished by a fine of not less than

37 Five Hundred Dollars ($500.00), or by imprisonment not to exceed

38 fifteen (15) years, or both.

39   (4) Nothing contained in this section shall prevent

40 proceedings against such parent, guardian or other person under

41 any statute of this state or any municipal ordinance defining any

42 act as a crime or misdemeanor. Nothing in the provisions of this

43 section shall preclude any person from having a right to trial by

44 jury when charged with having violated the provisions of this

45 section.

46   (5) After consultation with the Department of Public

47 Welfare, a regional mental health center or an appropriate

48 professional person, a judge may suspend imposition or execution

49 of a sentence provided in subsections (1) and (2) of this section

50 and in lieu thereof require treatment over a specified period of

51 time at any approved public or private treatment facility.

52   (6) In any proceeding resulting from a report made pursuant

53 to Section 43-21-353 of the Youth Court Law, the testimony of the

54 physician making the said report regarding the child's injuries or

55 condition or cause thereof shall not be excluded on the ground

56 that such physician's testimony violates the physician-patient

57 privilege or similar privilege or rule against disclosure. The

58 physician's report shall not be considered as evidence unless

59 introduced as an exhibit to his testimony.

60   (7) Any criminal prosecution arising from a violation of

61   this section shall be tried in the circuit, county, justice or

62   municipal court having jurisdiction; provided, however, that

63   nothing herein shall abridge or dilute the contempt powers of the

64   youth court.

65   **SECTION 2**. This act shall take effect and be in force from

66   and after its passage.

S. B. No. 2481   *||||||||||||||||||||||||*

03/SS06/R803   ST: Child abuse and neglect; revise.
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