

By: Senator(s) Nunnelee

To: Public Health and
Welfare; Judiciary, Division
A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2209

1 AN ACT TO CODIFY SECTION 41-57-17, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE BUREAU OF VITAL STATISTICS OF THE STATE BOARD OF
3 HEALTH TO NOTIFY DISTRICT ATTORNEYS WHEN IT APPEARS THAT A MINOR
4 BELOW THE AGE OF CONSENT HAS CONCEIVED A CHILD AS THE RESULT OF
5 STATUTORY RAPE OR SEXUAL BATTERY; TO PROVIDE A DUTY TO REPORT SUCH
6 FACTS ON LICENSED EDUCATIONAL PERSONNEL; TO PROVIDE FOR IMMUNITY
7 FOR MAKING SUCH REPORTS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The following section shall be codified as

10 Section 41-57-17, Mississippi Code of 1972:

11 41-57-17. (1) It shall be the duty of the Bureau of Vital
12 Statistics of the State Board of Health and every county health
13 officer, county medical examiner, county medical examiner
14 investigator, coroner, and principal of a primary or secondary
15 school to immediately notify in writing the law enforcement agency
16 in whose jurisdiction the sexual offense is believed to have
17 occurred upon receiving any information or report indicating that
18 a female under the age of fourteen (14) years has conceived or
19 given birth to a child, alive or stillborn, conceived by relations
20 with a male who is twenty-four (24) or more months older than the
21 female, or that a female who is at least fourteen (14) years of
22 age but under the age of sixteen (16) years has conceived or given
23 birth to a child, alive or stillborn, conceived by relations with
24 a male who is at least seventeen (17) years old, is thirty-six
25 (36) or more months older than the female, and is not her husband.
26 The law enforcement agency shall notify the district attorney
27 having jurisdiction within forty-eight (48) hours with a written
28 request that the violation be prosecuted, as such conduct with a
29 minor below the age of capacity to make informed consent

30 constitutes a felony under either Section 97-3-65 prohibiting
31 statutory rape or Section 97-3-95 prohibiting sexual battery.
32 Upon the request of the law enforcement agency, the bureau and any
33 other reporting entity shall have the duty to provide the law
34 enforcement agency the names of the minor child, her parent(s) or
35 other person responsible for her care, and the alleged
36 perpetrator, together with ages, places, addresses, any witnesses
37 and the nature of other evidence known at the time of the report,
38 and the name and address of the institution or individual
39 submitting the information or report; this duty shall be of a
40 continuing nature. The law enforcement agency shall investigate
41 the reported molestation and shall file a preliminary report with
42 the district attorney's office within two (2) weeks of receiving
43 the first notice.

44 (2) Any teacher, guidance counselor, school nurse, or other
45 school employee who has knowledge or reason to believe that a
46 crime as set forth in subsection (1) has occurred shall also
47 report the information to the principal of the school in which the
48 female is enrolled as a student.

49 (3) The duty to report is the same upon learning that any
50 child, male or female, under the age of fourteen (14) years has
51 had sexual relations with a person who is twenty-four (24) or more
52 months older than the child, or that any child, male or female,
53 who is at least fourteen (14) years of age but under the age of
54 sixteen (16) years has had sexual relations with a person who is
55 at least seventeen (17) years old and is thirty-six (36) or more
56 months older than the child.

57 (4) Any superintendent, principal, teacher or other school
58 personnel participating in the making of a required report
59 pursuant to this section shall be presumed to be acting in good
60 faith. Any person reporting in good faith shall be immune from
61 any civil liability that might otherwise be insured or imposed.

62 **SECTION 2.** This act shall take effect and be in force from
63 and after July 1, 2007.