To: Public Health and Welfare; Judiciary, Division A

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2007

By: Senator(s) Nunnelee

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COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2209

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

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

SECTION 1. The following section shall be codified as
Section 41-57-17, Mississippi Code of 1972:

41-57-17. (1) It shall be the duty of the Bureau of Vital
Statistics of the State Board of Health and every county health
officer, county medical examiner, county medical examiner
investigator, coroner, and principal of a primary or secondary
school to immediately notify in writing the law enforcement agency
in whose jurisdiction the sexual offense is believed to have
occurred upon receiving any information or report indicating that
a female under the age of fourteen (14) years has conceived or
given birth to a child, alive or stillborn, conceived by relations
with a male who is twenty-four (24) or more months older than the
female, or that a female who is at least fourteen (14) years of
age but under the age of sixteen (16) years has conceived or given
birth to a child, alive or stillborn, conceived by relations with
a male who is at least seventeen (17) years old, is thirty-six
(36) or more months older than the female, and is not her husband.
The law enforcement agency shall notify the district attorney
having jurisdiction within forty-eight (48) hours with a written
request that the violation be prosecuted, as such conduct with a
minor below the age of capacity to make informed consent
constitutes a felony under either Section 97-3-65 prohibiting statutory rape or Section 97-3-95 prohibiting sexual battery.

Upon the request of the law enforcement agency, the bureau and any other reporting entity shall have the duty to provide the law enforcement agency the names of the minor child, her parent(s) or other person responsible for her care, and the alleged perpetrator, together with ages, places, addresses, any witnesses and the nature of other evidence known at the time of the report, and the name and address of the institution or individual submitting the information or report; this duty shall be of a continuing nature. The law enforcement agency shall investigate the reported molestation and shall file a preliminary report with the district attorney's office within two (2) weeks of receiving the first notice.

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

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

(4) Any superintendent, principal, teacher or other school personnel participating in the making of a required report pursuant to this section shall be presumed to be acting in good faith. Any person reporting in good faith shall be immune from any civil liability that might otherwise be insured or imposed.
SECTION 2. This act shall take effect and be in force from and after July 1, 2007.