

By: Senator(s) Albritton, Brown, Burton, Butler, Carmichael, Chassaniol, Dawkins, Dearing, Flowers, Frazier, Gollott, Gordon, Harden, Hewes, Hyde-Smith, Jackson (11th), Jackson (15th), Jordan, King, Kirby, Lee (47th), Mettetal, Moffatt, Morgan, Pickering, Posey, Robertson, Ross, Thomas, Tollison, Walls, White, Wilemon, Williamson, Lee (35th)

To: Judiciary, Division B

SENATE BILL NO. 2825

1 AN ACT TO PROHIBIT THE PRESENCE OF SEX OFFENDERS WITHIN A
2 SCHOOL ZONE; AND FOR RELATED PURPOSES.

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

4 **SECTION 1.** (1) It is unlawful for a person required to
5 register as a sex offender under Section 45-33-25, Mississippi
6 Code of 1972, to:

7 (a) Be present in any school building, on real property
8 comprising any school, or in any conveyance owned, leased, or
9 contracted by a school to transport students to or from school or
10 a school related activity when persons under the age of eighteen
11 (18) are present in the building, on the grounds or in the
12 conveyance; or

13 (b) Loiter within Five Hundred (500) feet of a school
14 building or real property comprising any school while persons
15 under the age of eighteen (18) are present in the building or on
16 the grounds.

17 (2) (a) The sex offender must notify the principal of the
18 school of the sex offender's presence at the school unless the
19 offender has permission to be present from the superintendent or
20 the school board.

21 (b) In the case of a public school, if permission is
22 granted, the superintendent or school board president must inform
23 the principal of the school where the sex offender will be
24 present. Notification includes the nature of the sex offender's
25 visit and the hours when the sex offender will be present in the
26 school.

27 (c) The sex offender is responsible for notifying the
28 principal's office upon arrival and upon departure. If the sex
29 offender is to be present in the vicinity of children, the sex
30 offender has the duty to remain under the direct supervision of a
31 school official.

32 (3) A sex offender who violates this section is guilty of a
33 misdemeanor and subject to a fine not to exceed One Thousand
34 Dollars (\$1,000.00), incarceration not to exceed six (6) months in
35 jail, or both.

36 (4) It is a defense to prosecution under this section if the
37 offender is a parent or guardian of a student attending the school
38 and the parent or guardian is:

39 (a) Attending a conference at the school with school
40 personnel to discuss the progress of the sex offender's child
41 academically or socially;

42 (b) Participating in child review conferences in which
43 evaluation and placement decisions may be made with respect to the
44 sex offender's child regarding special education services; or

45 (c) Attending conferences to discuss other student
46 issues concerning the sex offender's child such as retention and
47 promotion.

48 (5) It is a defense to prosecution under this section that
49 the sex offender did not know and could not reasonably know that
50 the property or conveyance fell within the proscription of this
51 section.

52 (6) Nothing in this section shall be construed to infringe
53 upon the constitutional right of a sex offender to be present in a
54 school building that is used as a polling place for the purpose of
55 voting.

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