

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
(As Sent to Governor)

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) Unless exempted under subsection (2), it is
5 unlawful for a person required to register as a sex offender under
6 Section 45-33-25:

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

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

17 (2) (a) A person required to register as a sex offender who
18 is a parent or guardian of a student attending the school and who
19 complies with subsection (3) may be present on school property if
20 the parent or guardian is:

21 (i) Attending a conference at the school with
22 school personnel to discuss the progress of the sex offender's
23 child academically or socially;

24 (ii) Participating in child review conferences in
25 which evaluation and placement decisions may be made with respect
26 to the sex offender's child regarding special education services;

27 (iii) Attending conferences to discuss other

28 student issues concerning the sex offender's child such as
29 retention and promotion;

30 (iv) Transporting the sex offender's child to and
31 from school; or

32 (v) Present at the school because the presence of
33 the sex offender has been requested by the principal for any other
34 reason relating to the welfare of the child.

35 (b) Subsection (1) of this section shall not apply to a
36 sex offender who is legally enrolled in a particular school or is
37 participating in a school-sponsored educational program located at
38 a particular school when the sex offender is present at that
39 school.

40 (3) (a) In order to exercise the exemption under subsection
41 (2), a parent or guardian who is required to register as a sex
42 offender must notify the principal of the school of the sex
43 offender's presence at the school unless the offender: (i) has
44 permission to be present from the superintendent or the school
45 board, or (ii) the principal has granted ongoing permission for
46 regular visits of a routine nature.

47 (b) If permission is granted by the superintendent or
48 the school board, the superintendent or school board president
49 must inform the principal of the school where the sex offender
50 will be present. Notification includes the nature of the sex
51 offender's visit and the hours when the sex offender will be
52 present in the school, and the sex offender is responsible for
53 notifying the principal's office upon arrival and upon departure.
54 If the sex offender is to be present in the vicinity of children,
55 the sex offender has the duty to remain under the direct
56 supervision of a school official.

57 (4) For the purposes of this section, the following terms
58 shall have the meanings ascribed unless the context clearly
59 requires otherwise:

60 (a) "School" means a public or private preschool,
61 elementary school or secondary school.

62 (b) "Loiter" means standing or sitting idly, whether in
63 or out of a vehicle, or remaining in or around school property
64 without a legitimate reason.

65 (c) "School official" means the principal, a teacher,
66 any other certified employee of the school, the superintendent of
67 schools, or a member of the school board.

68 (5) A sex offender who violates this section is guilty of a
69 misdemeanor and subject to a fine not to exceed One Thousand
70 Dollars (\$1,000.00), incarceration not to exceed six (6) months in
71 jail, or both.

72 (6) It is a defense to prosecution under this section that
73 the sex offender did not know and could not reasonably know that
74 the property or conveyance fell within the proscription of this
75 section.

76 (7) Nothing in this section shall be construed to infringe
77 upon the constitutional right of a sex offender to be present in a
78 school building that is used as a polling place for the purpose of
79 voting.

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