

By: Senator(s) Tollison, Jordan, Jackson  
(11th), Simmons (12th), Gollott, Jackson  
(15th), Jolly

To: Drug Policy; Judiciary,  
Division B

SENATE BILL NO. 2256  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 43-21-357, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW THE YOUTH COURT INTAKE UNIT TO RECOMMEND THAT A CHILD BE  
3 REFERRED TO THE YOUTH COURT DRUG COURT AND TO ALLOW THE YOUTH  
4 COURT THE OPTION TO ORDER THAT A CHILD BE REFERRED TO THE YOUTH  
5 COURT DRUG COURT; TO CREATE SECTION 45-33-61, MISSISSIPPI CODE OF  
6 1972, TO PROHIBIT SEX OFFENDERS FROM ACCESSING THE ADMINISTRATIVE  
7 OFFICE OF COURTS' DATA MANAGEMENT SYSTEM OR "MYCIDS"; TO AMEND  
8 SECTION 45-33-26, MISSISSIPPI CODE OF 1972, TO PROHIBIT SEX  
9 OFFENDERS FROM GOING TO PUBLIC BEACHES AND PUBLIC CAMPGROUNDS; AND  
10 FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 43-21-357, Mississippi Code of 1972, is  
13 amended as follows:

14 43-21-357. (1) After receiving a report, the youth court  
15 intake unit shall promptly make a preliminary inquiry to determine  
16 whether the interest of the child, other children in the same  
17 environment or the public requires the youth court to take further  
18 action. As part of the preliminary inquiry, the youth court  
19 intake unit may request or the youth court may order the  
20 Department of Human Services, the Department of Youth Services,  
21 any successor agency or any other qualified public employee to  
22 make an investigation or report concerning the child and any other  
23 children in the same environment, and present the findings thereof  
24 to the youth court intake unit. If the youth court intake unit  
25 receives a neglect or abuse report, the youth court intake unit  
26 shall immediately forward the complaint to the Department of Human  
27 Services to promptly make an investigation or report concerning  
28 the child and any other children in the same environment and  
29 promptly present the findings thereof to the youth court intake  
30 unit. If it appears from the preliminary inquiry that the child



31 or other children in the same environment are within the  
32 jurisdiction of the court, the youth court intake unit shall  
33 recommend to the youth court:

34 (a) That the youth court take no action;

35 (b) That an informal adjustment be made;

36 (c) The Department of Human Services, Division of  
37 Family and Children Services, monitor the child, family and other  
38 children in the same environment;

39 (d) That the child is warned or counseled  
40 informally; \* \* \*

41 (e) That the child be referred to the youth court drug  
42 court; or

43 (f) That a petition be filed.

44 (2) The youth court shall then, without a hearing:

45 (a) Order that no action be taken;

46 (b) Order that an informal adjustment be made;

47 (c) Order that the Department of Human Services,  
48 Division of Family and Children Services, monitor the child,  
49 family and other children in the same environment;

50 (d) Order that the child is warned or counseled  
51 informally; \* \* \*

52 (e) That the child be referred to the youth court drug  
53 court; or

54 (f) Order that a petition be filed.

55 (3) If the preliminary inquiry discloses that a child needs  
56 emergency medical treatment, the judge may order the necessary  
57 treatment.

58 **SECTION 2.** The following shall be codified as Section  
59 45-33-61, Mississippi Code of 1972:

60 45-33-61. (1) A person convicted of a sex offense shall not  
61 access the Administrative Office of Courts' youth court data  
62 management system known as the Mississippi Youth Court Information  
63 Delivery System or "MYCIDS."



64 (2) This section applies to all registered sex offenders  
65 without regard to the date of conviction for a registrable  
66 offense.

67 **SECTION 3.** Section 45-33-26, Mississippi Code of 1972, is  
68 amended as follows:

69 45-33-26. (1) (a) Unless exempted under subsection (2), it  
70 is unlawful for a person required to register as a sex offender  
71 under Section 45-33-25:

72 (i) To be present in any school building, on real  
73 property comprising any school, or in any conveyance owned, leased  
74 or contracted by a school to transport students to or from school  
75 or a school-related activity when persons under the age of  
76 eighteen (18) are present in the building, on the grounds or in  
77 the conveyance; or

78 (ii) To loiter within five hundred (500) feet of a  
79 school building or real property comprising any school while  
80 persons under the age of eighteen (18) are present in the building  
81 or on the grounds.

82 (b) It is unlawful for a person required to register as  
83 a sex offender under Section 45-33-25 to visit or be in or about  
84 any public beach or public campground where minor children  
85 congregate without advance approval from the Director of the  
86 Department of Public Safety Sex Offender Registry, and the  
87 registrant is required to immediately report any incidental  
88 contact with minor children to the director.

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

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



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

99 (iii) Attending conferences to discuss other  
100 student issues concerning the sex offender's child such as  
101 retention and promotion;

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

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

107 (b) Subsection (1) of this section shall not apply to a  
108 sex offender who is legally enrolled in a particular school or is  
109 participating in a school-sponsored educational program located at  
110 a particular school when the sex offender is present at that  
111 school.

112 (3) (a) In order to exercise the exemption under subsection  
113 (2), a parent or guardian who is required to register as a sex  
114 offender must notify the principal of the school of the sex  
115 offender's presence at the school unless the offender: (i) has  
116 permission to be present from the superintendent or the school  
117 board, or (ii) the principal has granted ongoing permission for  
118 regular visits of a routine nature.

119 (b) If permission is granted by the superintendent or  
120 the school board, the superintendent or school board president  
121 must inform the principal of the school where the sex offender  
122 will be present. Notification includes the nature of the sex  
123 offender's visit and the hours when the sex offender will be  
124 present in the school, and the sex offender is responsible for  
125 notifying the principal's office upon arrival and upon departure.  
126 If the sex offender is to be present in the vicinity of children,  
127 the sex offender has the duty to remain under the direct  
128 supervision of a school official.



129 (4) For the purposes of this section, the following terms  
130 shall have the meanings ascribed unless the context clearly  
131 requires otherwise:

132 (a) "School" means a public or private preschool,  
133 elementary school or secondary school.

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

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

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

144 (6) It is a defense to prosecution under this section that  
145 the sex offender did not know and could not reasonably know that  
146 the property or conveyance fell within the proscription of this  
147 section.

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

152 **SECTION 4.** Sections 1 and 2 of this act shall take effect  
153 and be in force from and after its passage, and the remainder of  
154 this act shall take effect and be in force from and after July 1,  
155 2012.

