

By: Representatives Bain, Faulkner

To: Education; Judiciary B

HOUSE BILL NO. 586

1 AN ACT TO AMEND SECTION 37-11-29, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT ANY PERSON REQUIRED TO REPORT CHILD ABUSE, CHILD  
3 SEXUAL ABUSE OR NEGLECT FROM DELEGATING THE REQUIRED DUTY TO  
4 ANOTHER PERSON; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-11-29, Mississippi Code of 1972, is  
7 amended as follows:

8 37-11-29. (1) \* \* \* Except as provided in Sections  
9 43-21-353 and 97-5-51, any principal, teacher or other school  
10 employee who has knowledge of any unlawful activity which occurred  
11 on educational property or during a school related activity or  
12 which may have occurred shall report such activity to the  
13 superintendent of the school district or his designee who shall  
14 notify the appropriate law enforcement officials as required by  
15 this section. In the event of an emergency or if the  
16 superintendent or his designee is unavailable, any principal may  
17 make a report required under this subsection.

18 (2) Whenever any person who shall be an enrolled student in  
19 any school or educational institution in this state supported in



20 whole or in part by public funds, or who shall be an enrolled  
21 student in any private school or educational institution, is  
22 arrested for, and lawfully charged with, the commission of any  
23 crime and convicted upon the charge for which he was arrested, or  
24 convicted of any crime charged against him after his arrest and  
25 before trial, the office or law enforcement department of which  
26 the arresting officer is a member, and the justice court judge and  
27 any circuit judge or court before whom such student is tried upon  
28 said charge or charges, shall make or cause to be made a report  
29 thereof to the superintendent or the president or chancellor, as  
30 the case may be, of the school district or other educational  
31 institution in which such student is enrolled.

32 If the charge upon which such student was arrested, or any  
33 other charges preferred against him are dismissed or nol prossed,  
34 or if upon trial he is either convicted or acquitted of such  
35 charge or charges, same shall be reported to said respective  
36 superintendent or president, or chancellor, as the case may be. A  
37 copy of said report shall be sent to the Secretary of the Board of  
38 Trustees of State Institutions of Higher Learning of the State of  
39 Mississippi, at Jackson, Mississippi.

40 Said report shall be made within one (1) week after the  
41 arrest of such student and within one (1) week after any charge  
42 placed against him is dismissed or nol prossed, and within one (1)  
43 week after he shall have pled guilty, been convicted, or have been  
44 acquitted by trial upon any charge placed against him. This



45 section shall not apply to ordinary traffic violations involving a  
46 penalty of less than Fifty Dollars (\$50.00) and costs.

47 (3) When the superintendent or his designee has a reasonable  
48 belief that an act has occurred on educational property or during  
49 a school related activity involving any of the offenses set forth  
50 in subsection (6) of this section, the superintendent or his  
51 designee shall immediately report the act to the appropriate local  
52 law enforcement agency. For purposes of this subsection, "school  
53 property" shall include any public school building, bus, public  
54 school campus, grounds, recreational area or athletic field in the  
55 charge of the superintendent. The State Board of Education shall  
56 prescribe a form for making reports required under this  
57 subsection. Any superintendent or his designee who fails to make  
58 a report required by this section shall be subject to the  
59 penalties provided in Section 37-11-35.

60 (4) The law enforcement authority shall immediately dispatch  
61 an officer to the educational institution and with probable cause  
62 the officer is authorized to make an arrest if necessary as  
63 provided in Section 99-3-7.

64 (5) Any superintendent, principal, teacher or other school  
65 personnel participating in the making of a required report  
66 pursuant to this section or participating in any judicial  
67 proceeding resulting therefrom shall be presumed to be acting in  
68 good faith. Any person reporting in good faith shall be immune



69 from any civil liability that might otherwise be incurred or  
70 imposed.

71 (6) For purposes of this section, "unlawful activity" means  
72 any of the following:

73 (a) Possession or use of a deadly weapon, as defined in  
74 Section 97-37-1;

75 (b) Possession, sale or use of any controlled  
76 substance;

77 (c) Aggravated assault, as defined in Section 97-3-7;

78 (d) Simple assault, as defined in Section 97-3-7, upon  
79 any school employee;

80 (e) Rape, as defined under Mississippi law;

81 (f) Sexual battery, as defined under Mississippi law;

82 (g) Murder, as defined under Mississippi law;

83 (h) Kidnapping, as defined under Mississippi law; or

84 (i) Fondling, touching, handling, etc., a child for  
85 lustful purposes, as defined in Section 97-5-23.

86 (7) A mandatory reporter as provided by Section 97-5-51 and  
87 any person required to file a report under the provisions of  
88 Section 43-21-353 shall personally file any report required by  
89 Sections 97-5-51 and 43-21-353. No person required to file a  
90 report under the provisions of Sections 97-5-51 and 43-21-353  
91 shall delegate or otherwise assign to any other person the  
92 responsibility to report. Child abuse, child sexual abuse and  
93 child neglect are subject to reporting under Section 43-21-353 and



94 sex crimes against a minor as defined in Section 97-5-51 are  
95 subject to reporting under 97-5-51.

96       **SECTION 2.** This act shall take effect and be in force from  
97 and after July 1, 2015.

