

By: Senator(s) Fillingane, Jackson (11th)

To: Judiciary, Division A

SENATE BILL NO. 2047

1 AN ACT TO AMEND SECTION 97-35-47, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE FALSE REPORT OF CHILD ABUSE OR NEGLECT TO THE
3 DEPARTMENT OF HUMAN SERVICES SHALL BE PUNISHABLE AS A MISDEMEANOR;
4 TO PROVIDE THAT A PERSON WHO KNOWINGLY AND WILLFULLY MAKES A FALSE
5 REPORT OF CHILD ABUSE OR NEGLECT MAY BE CIVILLY LIABLE FOR DAMAGES
6 SUFFERED INCLUDING REASONABLE ATTORNEY FEES AND COSTS; AND FOR
7 RELATED PURPOSES.

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

9 **SECTION 1.** Section 97-35-47, Mississippi Code of 1972, is
10 amended as follows:

11 97-35-47. It shall be unlawful for any person to report a
12 crime or any element of a crime including an allegation of child
13 abuse or neglect to any law enforcement agency or officer, the
14 Department of Human Services, or any officer of any court, by any
15 means, knowing that such report is false. A violation of this
16 section, upon conviction thereof, shall be punishable by
17 imprisonment in the county jail not to exceed one (1) year or by
18 fine not to exceed Five Thousand Dollars (\$5,000.00), or both. In
19 addition to any fine and imprisonment, and upon proper showing
20 made to the court, the defendant shall be ordered to pay as



21 restitution to the law enforcement agency reimbursement for any
22 reasonable costs directly related to the investigation of the
23 falsely reported crime and the prosecution of any person convicted
24 under this section.

25 **SECTION 2.** (1) A person who knowingly, willfully and
26 maliciously makes a false report of abuse, abandonment, or neglect
27 of a child, or a person who, with malice, counsels another to make
28 a false report, may be civilly liable for damages suffered,
29 including reasonable attorney fees and costs, as a result of the
30 filing of the false report.

31 (2) A report is false under this section if no rational
32 argument can be advanced in its support, when it is unsupported by
33 any credible evidence, when a reasonable person could not have
34 expected its success, or when it is completely untenable.

35 **SECTION 3.** This act shall take effect and be in force from
36 and after July 1, 2015.

