

By: Representatives Gipson, Crawford

To: Judiciary B

HOUSE BILL NO. 918

1 AN ACT TO AMEND SECTION 45-33-26, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT A REGISTERED SEX OFFENDER FROM LOITERING WITHIN 500  
3 FEET OF A PLAYGROUND, BALLPARK OR OTHER RECREATIONAL FACILITY  
4 UTILIZED BY PERSONS UNDER THE AGE OF EIGHTEEN YEARS OF AGE; AND  
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 45-33-26, Mississippi Code of 1972, is  
8 amended as follows:

9 45-33-26. (1) (a) Unless exempted under subsection (2), it  
10 is unlawful for a person required to register as a sex offender  
11 under Section 45-33-25:

12 (i) To be present in any school building, on real  
13 property comprising any school, or in any conveyance owned, leased  
14 or contracted by a school to transport students to or from school  
15 or a school-related activity when persons under the age of  
16 eighteen (18) are present in the building, on the grounds or in  
17 the conveyance; or

18 (ii) To loiter within five hundred (500) feet of a  
19 school building or real property comprising any school while



20 persons under the age of eighteen (18) are present in the building  
21 or on the grounds \* \* \*; or

22 (iii) To loiter within five hundred (500) feet of  
23 any playground, ballpark or other recreational facility utilized  
24 by persons under the age of eighteen (18) years of age.

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

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

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

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

42 (iii) Attending conferences to discuss other  
43 student issues concerning the sex offender's child such as  
44 retention and promotion;



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

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

50 (b) Subsection (1) of this section shall not apply to a  
51 sex offender who is legally enrolled in a particular school or is  
52 participating in a school-sponsored educational program located at  
53 a particular school when the sex offender is present at that  
54 school.

55 (3) (a) In order to exercise the exemption under subsection  
56 (2), a parent or guardian who is required to register as a sex  
57 offender must notify the principal of the school of the sex  
58 offender's presence at the school unless the offender: (i) has  
59 permission to be present from the superintendent or the school  
60 board, or (ii) the principal has granted ongoing permission for  
61 regular visits of a routine nature.

62 (b) If permission is granted by the superintendent or  
63 the school board, the superintendent or school board president  
64 must inform the principal of the school where the sex offender  
65 will be present. Notification includes the nature of the sex  
66 offender's visit and the hours when the sex offender will be  
67 present in the school, and the sex offender is responsible for  
68 notifying the principal's office upon arrival and upon departure.  
69 If the sex offender is to be present in the vicinity of children,



70 the sex offender has the duty to remain under the direct  
71 supervision of a school official.

72 (4) For the purposes of this section, the following terms  
73 shall have the meanings ascribed unless the context clearly  
74 requires otherwise:

75 (a) "School" means a public or private preschool,  
76 elementary school or secondary school.

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

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

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

87 (6) It is a defense to prosecution under this section that  
88 the sex offender did not know and could not reasonably know that  
89 the property or conveyance fell within the proscription of this  
90 section.

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



95           **SECTION 2.** This act shall take effect and be in force from  
96 and after July 1, 2018.

