

By: Senator(s) Blackwell, Caughman, DeBar,  
Witherspoon, Whaley, Seymour, Branning,  
Younger, Barnett, McMahan

To: Judiciary, Division B

## SENATE BILL NO. 2316

1 AN ACT TO ENACT "CARLY'S LAW; TO CREATE NEW SECTION 45-33-63,  
2 MISSISSIPPI CODE OF 1972, TO PROHIBIT FUTURE CONTACT BY A  
3 CONVICTED SEX OFFENDER WITH THE CRIME VICTIM; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** The following shall be codified as Section  
7 45-33-63, Mississippi Code of 1972:

8 45-33-63. (1) Except as otherwise provided in this section,  
9 it is unlawful for a person required to register as a sex offender  
10 under Section 45-33-25 to do or commit any of the following  
11 actions with respect to the victim of the offense triggering the  
12 duty to register under this chapter:

13 (a) Threaten, visit, assault, molest, abuse, injure or  
14 otherwise interfere with the victim;

15 (b) Follow the victim, including at the victim's  
16 workplace;

17 (c) Harass the victim;

18 (d) Contact the victim by telephone, written  
19 communication, or electronic means;



20 (e) Enter or remain present at the victim's residence,  
21 school, or place of employment when the victim is present.

22 (2) This section does not apply if the court in which the  
23 conviction was had, at the request of the victim or the parent,  
24 guardian or conservator of the victim, enters an order allowing  
25 contact with the victim. The court may enter such an order if the  
26 court determines that reasonable grounds for the victim to fear  
27 any future contact with the defendant no longer exist.

28 (3) A violation of this section is a felony punishable by a  
29 fine of not more than Five Thousand Dollars (\$5,000.00) and  
30 imprisonment in the custody of the Department of Corrections for  
31 not less than five (5) nor more than ten (10) years.

32 (4) It is an affirmative defense to a prosecution under this  
33 section that the victim or the parent, guardian or conservator of  
34 the victim, has in fact waived the provisions of this section or  
35 exhibited behavior clearly constituting condonation of contact  
36 with the victim by the defendant.

37 (5) A law enforcement officer shall arrest and take into  
38 custody a person, with or without a warrant or other process, if  
39 the officer has probable cause to believe that the person  
40 knowingly has violated this section.

41 (6) Nothing in this section shall be construed to affect the  
42 issuance or enforcement of a criminal sexual assault protection  
43 against a defendant who has been convicted under Section 97-3-65  
44 or 97-3-95.



45           (7) This act shall be known as Carly's Law.

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

