

By: Senator(s) Doty

To: Judiciary, Division B

## SENATE BILL NO. 2684

1 AN ACT TO AMEND SECTION 45-33-59, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE EMPLOYER NOTIFICATION TO CERTAIN PARENTS OR GUARDIANS  
3 OF CHILDREN WHO COME IN CONTACT WITH AN EMPLOYEE WHO IS REQUIRED  
4 TO REGISTER AS A SEX OFFENDER; TO AMEND SECTION 45-33-32,  
5 MISSISSIPPI CODE OF 1972, TO CONFORM THE REQUIREMENTS FOR  
6 VOLUNTEERS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 45-33-59, Mississippi Code of 1972, is  
9 amended as follows:

10 45-33-59. (1) (a) Any person convicted of a sex offense  
11 who is employed in any position, or who contracts with a person to  
12 provide personal services, where the \* \* \* employee or \* \* \*  
13 contractor will \* \* \* have direct, private and unsupervised  
14 contact with \* \* \* minors shall notify in writing the employer or  
15 the person with whom the person has contracted of his sex offender  
16 status.

17 (b) The employer shall make a reasonable attempt to  
18 notify the parents or guardians of the minors with whom the  
19 employee or contractor will have direct, private and unsupervised  
20 contact of the offender's criminal record.



21           (2) This section applies to all registered sex offenders  
22 regardless of the date of conviction.

23           (3) An employer acting in good faith in making notification  
24 to parents or guardians under this section, or who fails in good  
25 faith to make notification, shall not be liable in any civil or  
26 criminal action as a result of the notification or failure to  
27 notify.

28           (4) This section does not authorize the employment of a  
29 person for a position for which employment of a sex offender is  
30 prohibited by any law.

31           (5) This section does not apply to an employer whose  
32 employees have only incidental contact with children because  
33 children may be present in the workplace without any formal  
34 agreement; casual or incidental contact does not trigger the duty  
35 to inform.

36           **SECTION 2.** Section 45-33-32, Mississippi Code of 1972, is  
37 amended as follows:

38           45-33-32. (1) A person convicted of a sex offense who  
39 volunteers for an organization in which volunteers have direct,  
40 private and unsupervised contact with minors shall notify the  
41 organization of the person's conviction at the time of  
42 volunteering. Such notification must be in writing to the  
43 organization. Any organization which accepts volunteers must  
44 notify volunteers of this disclosure requirement upon application



of the volunteer to serve or prior to acceptance of any of the volunteer's service, whichever occurs first.

(2) If the organization, after notification by the offender as provided in subsection (1), accepts the offender as a volunteer, the organization \* \* \* shall make reasonable attempts to notify the parents or guardians of any minors involved in the organization of the offender's criminal record.

(3) This section applies to all registered sex offenders regardless of the date of conviction.

(4) Any person previously registered as a sex offender and who has a continuing obligation to be registered as a sex offender shall be notified of the person's duty under this section with the first reregistration form to be sent to the person after July 1, 2004.

(5) If the registered sex offender is currently volunteering for such an organization, the sex offender must resign or notify the organization immediately upon receipt of notice or be subject to the penalties of this chapter.

(6) An organization acting in good faith in making the notification to parents or guardians under this section, or who fails in good faith to make such notification, shall not be liable in any civil or criminal action as a result of the notification or failure to notify.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2018.

