

By: Representatives Gunn, Gibbs (36th),  
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To: Judiciary B

HOUSE BILL NO. 571

1 AN ACT TO AMEND SECTION 97-29-49, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THAT A MINOR UNDER THE AGE OF 18 CANNOT BE CHARGED WITH  
3 THE CRIME OF PROSTITUTION; TO AUTHORIZE A LAW ENFORCEMENT OFFICER  
4 WHO ENCOUNTERS A MINOR SUSPECTED OF BEING EXPOSED TO PROSTITUTION  
5 TO TAKE THE MINOR INTO PROTECTIVE CUSTODY; TO AMEND SECTION  
6 43-15-13, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF  
7 CHILD PROTECTION SERVICES TO DOCUMENT CHILDREN WHO HAVE  
8 EXPERIENCED COMMERCIAL SEXUAL EXPLOITATION OR HUMAN TRAFFICKING;  
9 TO REQUIRE THE DEPARTMENT OF CHILD PROTECTION SERVICES TO PROVIDE  
10 TRAINING ON HOW TO HANDLE VICTIMS OF COMMERCIAL SEXUAL  
11 EXPLOITATION AND HUMAN TRAFFICKING TO ITS FAMILY PROTECTION  
12 SPECIALISTS, WORKERS AND FOSTER PARENTS; TO REQUIRE THE DEPARTMENT  
13 OF CHILD PROTECTION SERVICES TO CREATE POLICY AND PROCEDURES THAT  
14 PROVIDE COUNSELING AND APPROPRIATE SERVICES TO CHILDREN WHO HAVE  
15 BEEN VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION OR HUMAN  
16 TRAFFICKING; TO AMEND SECTION 43-15-51, MISSISSIPPI CODE OF 1972,  
17 TO INCLUDE COMMERCIAL SEXUAL EXPLOITATION AND HUMAN TRAFFICKING IN  
18 THE RESPONSIBILITIES FOR MULTIDISCIPLINARY CHILD PROTECTION TEAMS;  
19 TO INCLUDE THE DEPARTMENT OF CHILD PROTECTION SERVICES AND THE  
20 HUMAN TRAFFICKING COORDINATOR AS MEMBERS OF THE MULTIDISCIPLINARY  
21 TEAM; TO AMEND SECTION 97-3-54.1, MISSISSIPPI CODE OF 1972, TO  
22 REQUIRE THE DEPARTMENT OF CHILD PROTECTION SERVICES TO INVESTIGATE  
23 AND PROVIDE ANNUAL REPORTS OF COMPLAINTS OF COMMERCIAL SEXUAL  
24 EXPLOITATION AND HUMAN TRAFFICKING; TO AMEND SECTION 43-21-353,  
25 MISSISSIPPI CODE OF 1972, TO INCLUDE THE DEPARTMENT OF CHILD  
26 PROTECTION SERVICES AS AN AGENCY TO BE CONTACTED IN THE MANDATORY  
27 REPORTING PROVISIONS; TO REQUIRE THE LAW ENFORCEMENT AGENCY TO ADD  
28 THE STATE HUMAN TRAFFICKING COORDINATOR AS A CONTACT; TO AMEND  
29 SECTION 43-21-105, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT AN  
30 ABUSED CHILD INCLUDES A VICTIM OF COMMERCIAL SEXUAL EXPLOITATION  
31 OR HUMAN TRAFFICKING; TO AMEND SECTION 97-5-51, MISSISSIPPI CODE  
32 OF 1972, TO REVISE THE LIST OF SEX CRIMES AGAINST A MINOR FOR THE  
33 PROVISIONS OF LAW REGULATING MANDATORY REPORTING OF SEX CRIMES  
34 AGAINST MINORS TO CONFORM TO THE PRECEDING SECTIONS; TO AMEND



35 SECTION 19-5-353, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT THE  
36 STANDARDS AND TRAINING FOR 911 TELECOMMUNICATORS INCLUDE RECEIVING  
37 AND RESPONDING TO COMPLAINTS OF HUMAN TRAFFICKING AND COMMERCIAL  
38 SEXUAL EXPLOITATION; TO AMEND SECTION 45-6-7, MISSISSIPPI CODE OF  
39 1972, TO REQUIRE THE BOARD ON LAW ENFORCEMENT STANDARDS AND  
40 TRAINING TO INCLUDE IDENTIFICATION, RESPONSE AND SUPPORT OF  
41 VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION;  
42 TO AMEND SECTIONS 43-1-55, 97-3-54.9 AND 43-47-7, MISSISSIPPI CODE  
43 OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; AND FOR RELATED  
44 PURPOSES.

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

46 **SECTION 1.** Section 97-29-49, Mississippi Code of 1972, is  
47 amended as follows:

48 97-29-49. (1) A person who is eighteen (18) years of age or  
49 older commits the misdemeanor of prostitution if the person  
50 knowingly or intentionally performs, or offers or agrees to  
51 perform, sexual intercourse or sexual conduct for money or other  
52 property. "Sexual conduct" includes cunnilingus, fellatio,  
53 masturbation of another, anal intercourse or the causing of  
54 penetration to any extent and with any object or body part of the  
55 genital or anal opening of another.

56 (2) Any person violating the provisions of this section  
57 shall, upon conviction, be punished by a fine not exceeding Two  
58 Hundred Dollars (\$200.00) or by confinement in the county jail for  
59 not more than six (6) months, or both.

60 (3) In addition to the mandatory reporting provisions  
61 contained in Section 97-5-51, any law enforcement officer  
62 who \* \* \* encounters a minor under eighteen (18) years of  
63 age \* \* \* suspected \* \* \* of engaging in acts described in this  
64 section may take the minor into emergency protective custody



65 pursuant to Section 43-21-301, and shall immediately make a report  
66 to the Department of Child Protection Services or the Department  
67 of Human Services as required in Section 43-21-353 for suspected  
68 child sexual abuse or neglect, and the department that receives  
69 the report shall commence an initial investigation into suspected  
70 child sexual abuse or neglect as required in Section 43-21-353.

71 (4) If it is determined that a person suspected of or  
72 charged with engaging in prostitution is engaging in those acts as  
73 a direct result of being a trafficked person, as defined by  
74 Section 97-3-54.4, that person shall be immune from prosecution  
75 for prostitution as \* \* \* an adult \* \* \*. If the person suspected  
76 of engaging in acts that would constitute prostitution is under  
77 the age of eighteen (18) the provisions of Section 97-3-54.1(4)  
78 shall be applicable.

79 **SECTION 2.** Section 43-15-13, Mississippi Code of 1972, is  
80 amended as follows:

81 43-15-13. (1) For purposes of this section, "children"  
82 means persons found within the state who are under the age of  
83 twenty-one (21) years, and who were placed in the custody of the  
84 Department of Child Protection Services by the youth court of the  
85 appropriate county. For purposes of this chapter, "commercial  
86 sexual exploitation" means any crime of a sexual nature as defined  
87 in Section 97-5-51 and any other sexual crime, which is committed  
88 against a child for financial or economic gain, to obtain a thing



89 of value, for quid pro quo exchange of property or any other  
90 purpose.

91 (2) The Department of Child Protection Services shall  
92 establish a foster care placement program for children whose  
93 custody lies with the department, with the following objectives:

94 (a) Protecting and promoting the health, safety and  
95 welfare of children;

96 (b) Preventing the unnecessary separation of children  
97 from their families by identifying family problems, assisting  
98 families in resolving their problems and preventing the breakup of  
99 the family where the prevention of child removal is desirable and  
100 possible when the child can be cared for at home without  
101 endangering the child's health and safety;

102 (c) Remediating or assisting in the solution of problems  
103 that may result in the neglect, abuse, exploitation, commercial  
104 sexual exploitation, human trafficking or delinquency of children;

105 (d) Restoring to their families children who have been  
106 removed, by the provision of services to the child and the  
107 families when the child can be cared for at home without  
108 endangering the child's health and safety;

109 (e) Placing children in suitable adoptive homes  
110 approved by a licensed adoption agency or family protection  
111 specialist, in cases where restoration to the biological family is  
112 not safe, possible or appropriate;



113 (f) Assuring safe and adequate care of children away  
114 from their homes, in cases where the child cannot be returned home  
115 or cannot be placed for adoption, including temporary or emergency  
116 placement with a relative or fictive kin pending youth court  
117 action on the case. At the time of placement, the department  
118 shall implement concurrent planning, as described in subsection  
119 (8) of this section, so that permanency may occur at the earliest  
120 opportunity. Consideration of possible failure or delay of  
121 reunification should be given, to the end that the placement made  
122 is the best available placement to provide permanency for the  
123 child; and

124 (g) Providing a family protection specialist or worker  
125 or team of such specialists or workers for a family and child  
126 throughout the implementation of their permanent living  
127 arrangement plan. Wherever feasible, the same family protection  
128 specialist or worker or team shall remain on the case until the  
129 child is no longer under the jurisdiction of the youth court.

130 (3) The Department of Child Protection Services shall  
131 administer a system of individualized plans \* \* \*, reviews and  
132 reports once every six (6) months for each child under its custody  
133 within the State of Mississippi, which document each child who has  
134 been adjudged a neglected, abandoned or abused child, including a  
135 child alleged to have experienced commercial sexual exploitation  
136 and/or human trafficking and whose custody was changed by court  
137 order as a result of that adjudication, and each public or private



138 facility licensed by the department. The Department of Child  
139 Protection Services' administrative review shall be completed on  
140 each child within the first three (3) months and a relative  
141 placement, fictive kin placement, or foster care review once every  
142 six (6) months after the child's initial forty-eight-hour shelter  
143 hearing. That system shall be for the purpose of enhancing  
144 potential family life for the child by the development of  
145 individual plans to return the child to the child's natural parent  
146 or parents, or to refer the child to the appropriate court for  
147 termination of parental rights and placement in a permanent  
148 relative's home, adoptive home or foster/adoptive home. The goal  
149 of the Department of Child Protection Services shall be to return  
150 the child to the child's natural parent(s) or refer the child to  
151 the appropriate court for termination of parental rights and  
152 placement in a permanent relative's home, adoptive home or  
153 foster/adoptive home within the time periods specified in this  
154 subsection or in subsection (4) of this section. In furthering  
155 this goal, the department shall establish policy and procedures  
156 designed to appropriately place children in permanent homes,  
157 provide counseling services and other appropriate services to  
158 children who have been victims of commercial sexual exploitation  
159 or human trafficking. The policy \* \* \* shall include a system of  
160 reviews for all children in foster care, as follows: foster care  
161 counselors in the department shall make all possible contact with  
162 the child's natural parent(s), custodial parent(s) of all siblings



163 of the child, and any interested relative for the first two (2)  
164 months following the child's entry into the foster care system,  
165 and provide preventive care for victims of commercial sexual  
166 exploitation or human trafficking. For purposes of contacting  
167 custodial parent(s) of a sibling, siblings include those who are  
168 considered a sibling under state law, and those who would have  
169 been considered a sibling under state law, except for termination  
170 or disruption of parental rights. For any child who has been in  
171 foster care for fifteen (15) of the last twenty-two (22) months  
172 regardless of whether the foster care was continuous for all of  
173 those twenty-two (22) months, the department shall file a petition  
174 to terminate the parental rights of the child's parents. The time  
175 period starts to run from the date the court makes a finding of  
176 abuse and/or neglect, or commercial sexual exploitation or human  
177 trafficking, or sixty (60) days from when the child was removed  
178 from his or her home, whichever is earlier. The department can  
179 choose not to file a termination of parental rights petition if  
180 the following apply:

- 181 (a) The child is being cared for by a relative; and/or  
182 (b) The department has documented compelling and  
183 extraordinary reasons why termination of parental rights would not  
184 be in the best interests of the child. Before granting or denying  
185 a request by the department for an extension of time for filing a  
186 termination of parental rights action, the court shall receive a  
187 written report on the progress which a parent of the child has



188 made in treatment, to be made to the court in writing by a mental  
189 health/substance abuse therapist or counselor.

190 (4) In the case of any child who is placed in foster care on  
191 or after July 1, 1998, except in cases of aggravated circumstances  
192 prescribed in Section 43-21-603(7)(c), the child's natural  
193 parent(s) will have a reasonable time to be determined by the  
194 court, which shall not exceed a six-month period of time, in which  
195 to meet the service agreement with the department for the benefit  
196 of the child unless the department has documented extraordinary  
197 and compelling reasons for extending the time period in the best  
198 interest of the child. If this agreement has not been  
199 satisfactorily met, simultaneously the child will be referred to  
200 the appropriate court for termination of parental rights and  
201 placement in a permanent relative's home, adoptive home or a  
202 foster/adoptive home. For children under the age of three (3)  
203 years, termination of parental rights shall be initiated within  
204 six (6) months, unless the department has documented compelling  
205 and extraordinary circumstances, and placement in a permanent  
206 relative's home, adoptive home or foster/adoptive home within two  
207 (2) months. For children who have been abandoned under the  
208 provisions of Section 97-5-1, termination of parental rights shall  
209 be initiated within thirty (30) days and placement in an adoptive  
210 home shall be initiated without necessity for placement in a  
211 foster home. The department need not initiate termination of  
212 parental rights proceedings where the child has been placed in





213 durable legal custody, durable legal relative guardianship, or  
214 long-term or formalized foster care by a court of competent  
215 jurisdiction.

216 (5) The foster care review once every six (6) months shall  
217 be conducted by the youth court or its designee(s), and/or by  
218 personnel within the Department of Child Protection Services or by  
219 a designee or designees of the department and may include others  
220 appointed by the department, and the review shall include at a  
221 minimum an evaluation of the child based on the following:

222 (a) The extent of the care and support provided by the  
223 parents or parent while the child is in temporary custody;

224 (b) The extent of communication with the child by  
225 parents, parent or guardian;

226 (c) The degree of compliance by the agency and the  
227 parents with the social service plan established;

228 (d) The methods of achieving the goal and the plan  
229 establishing a permanent home for the child;

230 (e) Social services offered and/or utilized to  
231 facilitate plans for establishing a permanent home for the child;  
232 and

233 (f) Relevant testimony and recommendations from the  
234 foster parent of the child, the grandparents of the child, the  
235 guardian ad litem of the child, when appointed, the  
236 Court-Appointed Special Advocate (CASA) of the child,  
237 representatives of any private care agency that has cared for the



238 child, the family protection worker or family protection  
239 specialist assigned to the case, and any other relevant testimony  
240 pertaining to the case.

241 Each child's review plan once every six (6) months shall be  
242 filed with the court which awarded custody and shall be made  
243 available to natural parents or foster parents upon approval of  
244 the court. The court shall make a finding as to the degree of  
245 compliance by the agency and the parent(s) with the child's social  
246 service plan. The court also shall find that the child's health  
247 and safety are the paramount concern. In the interest of the  
248 child, the court shall, where appropriate, initiate proceedings on  
249 its own motion. The Department of Child Protection Services shall  
250 report to the Legislature as to the number of those children, the  
251 findings of the foster care review board and relevant statistical  
252 information in foster care in a semiannual report to the  
253 Legislature to be submitted to the Joint Oversight Committee of  
254 the Department of Child Protection Services. The report shall not  
255 refer to the specific name of any child in foster care.

256 (6) (a) The Department of Child Protection Services, with  
257 the cooperation and assistance of the State Department of Health,  
258 shall develop and implement a training program for foster care  
259 parents to indoctrinate them as to their proper responsibilities  
260 upon a child's entry into their foster care. The program shall  
261 provide a minimum of twelve (12) clock hours of training, which  
262 shall include training foster care parents about providing mental



263 and physical support to children who have experienced commercial  
264 sexual exploitation or human trafficking. The foster care  
265 training program shall be satisfactorily completed by such foster  
266 care parents before or within ninety (90) days after child  
267 placement with the parent. Record of the foster care parent's  
268 training program participation shall be filed with the court as  
269 part of a child's foster care review plan once every six (6)  
270 months.

271 (b) (i) The court may waive foster care training for  
272 an appropriate relative placement.

273 (ii) A relative exempted from foster care training  
274 is not eligible for board payments, foster care payments, kinship  
275 care payments, therapeutic care payments, or any other monthly  
276 payments from the department to assist in the care of the child.

277 (7) When the Department of Child Protection Services is  
278 considering placement of a child in a foster home and when the  
279 department deems it to be in the best interest of the child, the  
280 department shall give first priority to placing the child in the  
281 home of one (1) of the child's relatives within the third degree,  
282 as computed by the civil law rule.

283 (a) In placing the child in a relative's home, the  
284 department may waive any rule, regulation or policy applicable to  
285 placement in foster care that would otherwise require the child to  
286 have a separate bed or bedroom or have a bedroom of a certain  
287 size, if placing the child in a relative's home would be in the



288 best interest of the child and those requirements cannot be met in  
289 the relative's home.

290 (b) The court may waive foster care training for a  
291 relative only when appropriate.

292 (8) The Legislature recognizes that the best interests of  
293 the child require that the child be placed in the most permanent  
294 living arrangement as soon as is practicably possible. To achieve  
295 this goal, the Department of Child Protection Services is directed  
296 to conduct concurrent planning so that a permanent living  
297 arrangement may occur at the earliest opportunity. Permanent  
298 living arrangements may include prevention of placement of a child  
299 outside the home of the family when the child can be cared for at  
300 home without endangering the child's health or safety;  
301 reunification with the family, when safe and appropriate, if  
302 temporary placement is necessary; or movement of the child toward  
303 the most permanent living arrangement and permanent legal status.  
304 When a child is placed in foster care or relative care, the  
305 department shall first ensure and document that reasonable  
306 efforts, as defined in Section 43-21-105, were made to prevent or  
307 eliminate the need to remove the child from the child's home. The  
308 department's first priority shall be to make reasonable efforts to  
309 reunify the family when temporary placement of the child occurs or  
310 shall request a finding from the court that reasonable efforts are  
311 not appropriate or have been unsuccessful. A decision to place a  
312 child in foster care or relative care shall be made with



313 consideration of the child's health, safety and best interests.  
314 At the time of placement, consideration should also be given so  
315 that if reunification fails or is delayed, the placement made is  
316 the best available placement to provide a permanent living  
317 arrangement for the child. The department shall adopt rules  
318 addressing concurrent planning for reunification and a permanent  
319 living arrangement. The department shall consider the following  
320 factors when determining appropriateness of concurrent planning:

321 (a) The likelihood of prompt reunification;

322 (b) The past history of the family;

323 (c) The barriers to reunification being addressed by  
324 the family;

325 (d) The level of cooperation of the family;

326 (e) The foster parents' willingness to work with the  
327 family to reunite;

328 (f) The willingness and ability of the foster family or  
329 relative placement to provide an adoptive home or long-term  
330 placement;

331 (g) The age of the child; and

332 (h) Placement of siblings.

333 (9) If the department has placed a child in foster care or  
334 relative care under a court order, the department may not change  
335 the child's placement unless the department specifically documents  
336 to the court that the current placement is unsafe or unsuitable or  
337 that another placement is in the child's best interests unless the



338 new placement is in an adoptive home or other permanent placement.  
339 Except in emergency circumstances as determined by the department  
340 or where the court orders placement of the child under Section  
341 43-21-303, the foster parents, grandparents or other relatives of  
342 the child shall be given an opportunity to contest the specific  
343 reasons documented by the department at least seventy-two (72)  
344 hours before any such departure, and the court may conduct a  
345 review of that placement unless the new placement is in an  
346 adoptive home or other permanent placement. When a child is  
347 returned to foster care or relative care, the former foster  
348 parents or relative placement shall be given the prior right of  
349 return placement in order to eliminate additional trauma to the  
350 child.

351 (10) The Department of Child Protection Services shall  
352 provide the foster parents, grandparents or other relatives with  
353 at least a seventy-two-hour notice of departure for any child  
354 placed in their foster care or relative care, except in emergency  
355 circumstances as determined by the department or where the court  
356 orders placement of the child under Section 43-21-303. The  
357 parent/legal guardian, grandparents of the child, guardian ad  
358 litem and the court exercising jurisdiction shall be notified in  
359 writing when the child leaves foster care or relative care  
360 placement, regardless of whether the child's departure was planned  
361 or unplanned. The only exceptions to giving a written notice to  
362 the parent(s) are when a parent has voluntarily released the child



363 for adoption or the parent's legal rights to the child have been  
364 terminated through the appropriate court with jurisdiction.

365 (11) The Department of Child Protection Services shall  
366 extend the following rights to persons who provide foster care and  
367 relative care:

368 (a) A clear understanding of their role while providing  
369 care and the roles of the birth parent(s) and the placement agency  
370 in respect to the child in care;

371 (b) Respect, consideration, trust and value as a family  
372 who is making an important contribution to the agency's  
373 objectives;

374 (c) Involvement in all the agency's crucial decisions  
375 regarding the child as team members who have pertinent information  
376 based on their day-to-day knowledge of the child in care;

377 (d) Support from the family protection worker or the  
378 family protection specialist in efforts to do a better day-to-day  
379 job in caring for the child and in working to achieve the agency's  
380 objectives for the child and the birth family through provision  
381 of:

382 (i) Pertinent information about the child and the  
383 birth family;

384 (ii) Help in using appropriate resources to meet  
385 the child's needs, including counseling or other services for  
386 victims of commercial sexual exploitation or human trafficking;



387 (iii) Direct interviews between the family  
388 protection worker or specialist and the child, previously  
389 discussed and understood by the foster parents;

390 (iv) Information regarding whether the child  
391 experienced commercial sexual exploitation or human trafficking;

392 (e) The opportunity to develop confidence in making  
393 day-to-day decisions in regard to the child;

394 (f) The opportunity to learn and grow in their vocation  
395 through planned education in caring for the child;

396 (g) The opportunity to be heard regarding agency  
397 practices that they may question;

398 (h) Reimbursement for costs of the child's care in the  
399 form of a board payment based on the age of the child as  
400 prescribed in Section 43-15-17 unless the relative is exempt from  
401 foster care training and chooses to exercise the exemption; \* \* \*

402 (i) Reimbursement for property damages caused by  
403 children in the custody of the Department of Child Protection  
404 Services in an amount not to exceed Five Hundred Dollars  
405 (\$500.00), as evidenced by written documentation. The Department  
406 of Child Protection Services shall not incur liability for any  
407 damages as a result of providing this reimbursement \* \* \*; and

408 (j) Reimbursement for costs of counseling and care  
409 provided to a victim of commercial sexual exploitation or human  
410 trafficking in an amount not to exceed Five Hundred Dollars  
411 (\$500.00), as evidenced by written documentation from a certified





412 counselor or licensed physician. The Department of Child  
413 Protection Services shall not incur liability for any damages as a  
414 result of providing reimbursement.

415 (12) The Department of Child Protection Services shall  
416 require the following responsibilities from participating persons  
417 who provide foster care and relative care:

418 (a) Understanding the department's function in regard  
419 to the foster care and relative care program and related social  
420 service programs;

421 (b) Sharing with the department any information which  
422 may contribute to the care of children;

423 (c) Functioning within the established goals and  
424 objectives to improve the general welfare of the child;

425 (d) Recognizing the problems in home placement that  
426 will require professional advice and assistance and that such help  
427 should be utilized to its full potential;

428 (e) Recognizing that the family who cares for the child  
429 will be one of the primary resources for preparing a child for any  
430 future plans that are made, including return to birth parent(s),  
431 termination of parental rights or reinstitutionalization;

432 (f) Expressing their views of agency practices which  
433 relate to the child with the appropriate staff member;

434 (g) Understanding that all information shared with the  
435 persons who provide foster care or relative care about the child



436 and his/her birth parent(s) must be held in the strictest of  
437 confidence;

438 (h) Cooperating with any plan to reunite the child with  
439 his birth family and work with the birth family to achieve this  
440 goal; \* \* \*

441 (i) Attending dispositional review hearings and  
442 termination of parental rights hearings conducted by a court of  
443 competent jurisdiction, or providing their recommendations to the  
444 court in writing \* \* \*; and

445 (j) Attending any meetings to provide support to a  
446 child who has experienced commercial sexual exploitation or human  
447 trafficking.

448 **SECTION 3.** Section 43-15-51, Mississippi Code of 1972, is  
449 amended as follows:

450 43-15-51. (1) The district attorneys \* \* \*, the Department  
451 of Human Services or the Department of Child Protection Services  
452 may initiate formal cooperative agreements with the appropriate  
453 agencies to create multidisciplinary child protection teams in  
454 order to implement a coordinated multidisciplinary team approach  
455 to intervention in reports involving alleged commercial sexual  
456 exploitation, human trafficking, or severe or potential felony  
457 child physical or sexual abuse, exploitation, or maltreatment.  
458 The multidisciplinary team also may be known as a child abuse task  
459 force. The purpose of the team or task force shall be to assist  
460 in the evaluation and investigation of reports and to provide



461 consultation and coordination for agencies involved in child  
462 protection cases. The agencies to be included as members of the  
463 multidisciplinary team are: the district attorney's office, city  
464 and county law enforcement agencies, county attorneys, youth court  
465 prosecutors, the Human Trafficking Coordinator and other agencies  
466 as appropriate. The Department of Child Protection Services shall  
467 be included as a member of the multidisciplinary team if the  
468 department does not initiate creation of the team.

469 (2) To implement the multidisciplinary child abuse team, the  
470 team or task force must be authorized by court order from the  
471 appropriate youth court. The court order will designate which  
472 agencies will participate in the cooperative multidisciplinary  
473 team.

474 (3) (a) Teams created under this section may invite other  
475 persons to serve on the team who have knowledge of and experience  
476 in child abuse and neglect and commercial sexual exploitation and  
477 human trafficking matters. These persons may include licensed  
478 mental and physical health practitioners and physicians, dentists,  
479 representatives of the district attorney's office and the Attorney  
480 General's office, experts in the assessment and treatment of  
481 substance abuse or sexual abuse, the victim assistance coordinator  
482 of the district attorney's office \* \* \*, staff members of a child  
483 advocacy center and experts in providing services to commercial  
484 sexual exploitation and human trafficking victims.



485           (b) (i) A child advocacy center means an agency that  
486 advocates on behalf of children alleged to have been abused and  
487 assists in the coordination of the investigation of child abuse by  
488 providing a location for forensic interviews and promoting the  
489 coordination of services for children alleged to have been abused.  
490 A child advocacy center provides services that include, but are  
491 not limited to, forensic medical examinations, mental health and  
492 related support services, court advocacy, consultation, training  
493 for social workers, law enforcement training, and child abuse  
494 multidisciplinary teams, and staffing of multidisciplinary teams.

495           (ii) Child advocacy centers may provide a  
496 video-taped forensic interview of the child in a child friendly  
497 environment or separate building. The purpose of the video-taped  
498 forensic interview is to prevent further trauma to a child in the  
499 investigation and prosecution of child physical and sexual abuse  
500 cases. Child advocacy centers can also assist child victims by  
501 providing therapeutic counseling subsequent to the interview by a  
502 qualified therapist. Child advocacy centers can also assist law  
503 enforcement and prosecutors by acquainting child victim witnesses  
504 and their parents or guardians to the courtroom through child  
505 court school programs.

506           (4) A team or task force created under this section shall  
507 review records on cases referred to the team by the Department of  
508 Human Services or law enforcement or the district attorney's  
509 office. The team shall meet at least monthly.



510 (5) No person shall disclose information obtained from a  
511 meeting of the multidisciplinary team unless necessary to comply  
512 with Department of Human Services' regulations or conduct and  
513 proceeding in youth court or criminal court proceedings or as  
514 authorized by a court of competent jurisdiction.

515 **SECTION 4.** Section 97-3-54.1, Mississippi Code of 1972, is  
516 amended as follows:

517 97-3-54.1. (1) (a) A person who coerces, recruits,  
518 entices, harbors, transports, provides or obtains by any means, or  
519 attempts to coerce, recruit, entice, harbor, transport, provide or  
520 obtain by any means, another person, intending or knowing that the  
521 person will be subjected to forced labor or services, or who  
522 benefits, whether financially or by receiving anything of value  
523 from participating in an enterprise that he knows or reasonably  
524 should have known has engaged in such acts, shall be guilty of the  
525 crime of human-trafficking.

526 (b) A person who knowingly purchases the forced labor  
527 or services of a trafficked person or who otherwise knowingly  
528 subjects, or attempts to subject, another person to forced labor  
529 or services or who benefits, whether financially or by receiving  
530 anything of value from participating in an enterprise that he  
531 knows or reasonably should have known has engaged in such acts,  
532 shall be guilty of the crime of procuring involuntary servitude.

533 (c) A person who knowingly subjects, or attempts to  
534 subject, or who recruits, entices, harbors, transports, provides



535 or obtains by any means, or attempts to recruit, entice, harbor,  
536 transport, provide or obtain by any means, a minor, knowing that  
537 the minor will engage in commercial sexual activity, sexually  
538 explicit performance, or the production of sexually oriented  
539 material, or causes or attempts to cause a minor to engage in  
540 commercial sexual activity, sexually explicit performance, or the  
541 production of sexually oriented material, shall be guilty of  
542 procuring sexual servitude of a minor and shall be punished by  
543 commitment to the custody of the Department of Corrections for not  
544 less than five (5) nor more than thirty (30) years, or by a fine  
545 of not less than Fifty Thousand Dollars (\$50,000.00) nor more than  
546 Five Hundred Thousand Dollars (\$500,000.00), or both. It is not a  
547 defense in a prosecution under this section that a minor consented  
548 to engage in the commercial sexual activity, sexually explicit  
549 performance, or the production of sexually oriented material, or  
550 that the defendant reasonably believed that the minor was eighteen  
551 (18) years of age or older.

552 (2) If the victim is not a minor, a person who is convicted  
553 of an offense set forth in subsection (1)(a) or (b) of this  
554 section shall be committed to the custody of the Department of  
555 Corrections for not less than two (2) years nor more than twenty  
556 (20) years, or by a fine of not less than Ten Thousand Dollars  
557 (\$10,000.00) nor more than One Hundred Thousand Dollars  
558 (\$100,000.00), or both. If the victim of the offense is a minor,  
559 a person who is convicted of an offense set forth in subsection



560 (1) (a) or (b) of this section shall be committed to the custody of  
561 the Department of Corrections for not less than five (5) years nor  
562 more than twenty (20) years, or by a fine of not less than Twenty  
563 Thousand Dollars (\$20,000.00) nor more than One Hundred Thousand  
564 Dollars (\$100,000.00), or both.

565 (3) An enterprise may be prosecuted for an offense under  
566 this chapter if:

567 (a) An agent of the enterprise knowingly engages in  
568 conduct that constitutes an offense under this chapter while  
569 acting within the scope of employment and for the benefit of the  
570 entity.

571 (b) An employee of the enterprise engages in conduct  
572 that constitutes an offense under this chapter and the commission  
573 of the offense was part of a pattern of illegal activity for the  
574 benefit of the enterprise, which an agent of the enterprise either  
575 knew was occurring or recklessly disregarded, and the agent failed  
576 to take effective action to stop the illegal activity.

577 (c) It is an affirmative defense to a prosecution of an  
578 enterprise that the enterprise had in place adequate procedures,  
579 including an effective complaint procedure, designed to prevent  
580 persons associated with the enterprise from engaging in the  
581 unlawful conduct and to promptly correct any violations of this  
582 chapter.

583 (d) The court may consider the severity of the  
584 enterprise's offense and order penalties, including: (i) a fine



585 of not more than One Million Dollars (\$1,000,000.00); (ii)  
586 disgorgement of profit; and (iii) debarment from government  
587 contracts. Additionally, the court may order any of the relief  
588 provided in Section 97-3-54.7.

589 (4) In addition to the mandatory reporting provisions  
590 contained in Section 97-5-51, any person who has reasonable cause  
591 to suspect that a minor under the age of eighteen (18) is a  
592 trafficked person shall immediately make a report of the suspected  
593 child abuse or neglect to the Department of Child Protection  
594 Services or Department of Human Services and to the Statewide  
595 Human Trafficking Coordinator. The Department of Child Protection  
596 Services, Department of Human Services or the Statewide Human  
597 Trafficking Coordinator, whichever is applicable, shall then  
598 immediately notify the law enforcement agency in the jurisdiction  
599 where the suspected child abuse or neglect occurred as required in  
600 Section 43-21-353, and the department that received the report  
601 shall also commence an initial investigation into the suspected  
602 abuse or neglect as required in Section 43-21-353. The department  
603 that received such report shall provide an annual report to the  
604 Speaker of the Mississippi House of Representatives, the  
605 Lieutenant Governor, the Chairpersons of the House and Senate  
606 Judiciary Committees that includes the number of reports received,  
607 the number of cases screened in or out, the number of cases in  
608 which care and services were provided as a result of the report,  
609 and the type of care and services that were provided. A minor who





610 has been identified as a victim of trafficking shall not be liable  
611 for criminal activity in violation of this section.

612 (5) It is an affirmative defense in a prosecution under this  
613 act that the defendant:

614 (a) Is a victim; and

615 (b) Committed the offense under a reasonable  
616 apprehension created by a person that, if the defendant did not  
617 commit the act, the person would inflict serious harm on the  
618 defendant, a member of the defendant's family, or a close  
619 associate.

620 **SECTION 5.** Section 43-21-353, Mississippi Code of 1972, is  
621 amended as follows:

622 43-21-353. (1) Any attorney, physician, dentist, intern,  
623 resident, nurse, psychologist, social worker, family protection  
624 worker, family protection specialist, child caregiver, minister,  
625 law enforcement officer, public or private school employee or any  
626 other person having reasonable cause to suspect that a child is a  
627 neglected child, \* \* \* an abused child, a victim of commercial  
628 sexual exploitation or human trafficking shall cause an oral  
629 report to be made immediately by telephone or otherwise and  
630 followed as soon thereafter as possible by a report in writing to  
631 the Department of Child Protection Services or Department of Human  
632 Services, and immediately a referral shall be made by the  
633 Department of Child Protection Services or Department of Human  
634 Services, whichever is applicable, to the youth court intake unit,



635 which unit shall promptly comply with Section 43-21-357. In the  
636 course of an investigation, at the initial time of contact with  
637 the individual(s) about whom a report has been made under this  
638 Youth Court Act or with the individual(s) responsible for the  
639 health or welfare of a child about whom a report has been made  
640 under this chapter, the Department of Child Protection Services or  
641 Department of Human Services, whichever is applicable, shall  
642 inform the individual of the specific complaints or allegations  
643 made against the individual. Consistent with subsection (4), the  
644 identity of the person who reported his or her suspicion shall not  
645 be disclosed. Where appropriate, the Department of Child  
646 Protection Services or Department of Human Services shall  
647 additionally make a referral to the youth court prosecutor.

648 Upon receiving a report that a child has been sexually  
649 abused, or a victim of commercial sexual exploitation or human  
650 trafficking, or burned, tortured, mutilated, or otherwise  
651 physically abused in such a manner as to cause serious bodily  
652 harm, or upon receiving any report of abuse that would be a felony  
653 under state or federal law, the department \* \* \* that received the  
654 report shall immediately notify the law enforcement agency in  
655 whose jurisdiction the abuse occurred. \* \* \* Within forty-eight  
656 (48) hours, such department shall notify the appropriate  
657 prosecutor \* \* \* and the Statewide Human Trafficking Coordinator.  
658 The department \* \* \* that received the report shall have the duty  
659 to provide the law enforcement agency all the names and facts



660 known at the time of the report; this duty shall be of a  
661 continuing nature. The law enforcement agency and the  
662 department \* \* \* that received the report shall investigate the  
663 reported abuse immediately and shall file a preliminary report  
664 with the appropriate prosecutor's office within twenty-four (24)  
665 hours and shall make additional reports as new or additional  
666 information or evidence becomes available. The department \* \* \*  
667 that received the report shall advise the clerk of the youth court  
668 and the youth court prosecutor of all cases of abuse reported to  
669 the department within seventy-two (72) hours and shall update such  
670 report as information becomes available.

671 (2) Any report \* \* \* shall contain the names and addresses  
672 of the child and his parents or other persons responsible for his  
673 care, if known, the child's age, the nature and extent of the  
674 child's injuries, including any evidence of previous  
675 injuries \* \* \*, any other information that might be helpful in  
676 establishing the cause of the injury, and the identity of the  
677 perpetrator.

678 (3) The Department of Child Protection Services, Department  
679 of Human Services and the Statewide Human Trafficking Coordinator  
680 shall maintain a statewide incoming wide-area telephone service or  
681 similar service for the purpose of receiving reports of suspected  
682 cases of child abuse, commercial sexual exploitation or human  
683 trafficking; provided that any attorney, physician, dentist,  
684 intern, resident, nurse, psychologist, social worker, family



685 protection worker, family protection specialist, child caregiver,  
686 minister, law enforcement officer or public or private school  
687 employee who is required to report under subsection (1) of this  
688 section shall report in the manner required in subsection (1).

689 (4) Reports of abuse \* \* \*, neglect, commercial sexual  
690 exploitation or human trafficking made under this chapter and the  
691 identity of the reporter are confidential except when the court in  
692 which the investigation report is filed, in its discretion,  
693 determines the testimony of the person reporting to be material to  
694 a judicial proceeding or when the identity of the reporter is  
695 released to law enforcement agencies and the appropriate  
696 prosecutor pursuant to subsection (1). Reports made under this  
697 section to any law enforcement agency or prosecutorial officer are  
698 for the purpose of criminal investigation and prosecution only and  
699 no information from these reports may be released to the public  
700 except as provided by Section 43-21-261. Disclosure of any  
701 information by the prosecutor shall be according to the  
702 Mississippi Uniform Rules of Circuit and County Court Procedure.  
703 The identity of the reporting party shall not be disclosed to  
704 anyone other than law enforcement officers or prosecutors without  
705 an order from the appropriate youth court. Any person disclosing  
706 any reports made under this section in a manner not expressly  
707 provided for in this section or Section 43-21-261 shall be guilty  
708 of a misdemeanor and subject to the penalties prescribed by  
709 Section 43-21-267.



710 (5) All final dispositions of law enforcement investigations  
711 described in subsection (1) of this section shall be determined  
712 only by the appropriate prosecutor or court. All final  
713 dispositions of investigations by the Department of Child  
714 Protection Services or the Department of Human Services as  
715 described in subsection (1) of this section shall be determined  
716 only by the youth court. Reports made under subsection (1) of  
717 this section by the Department of Child Protection Services or the  
718 Department of Human Services to the law enforcement agency and to  
719 the district attorney's office shall include the following, if  
720 known to the department:

- 721 (a) The name and address of the child;
- 722 (b) The names and addresses of the parents;
- 723 (c) The name and address of the suspected perpetrator;
- 724 (d) The names and addresses of all witnesses, including  
725 the reporting party if a material witness to the abuse;
- 726 (e) A brief statement of the facts indicating that the  
727 child has been abused, including whether the child experienced  
728 commercial sexual exploitation or human trafficking, and any other  
729 information from the agency files or known to the family  
730 protection worker or family protection specialist making the  
731 investigation, including medical records or other records, which  
732 may assist law enforcement or the district attorney in  
733 investigating and/or prosecuting the case; and



734 (f) What, if any, action is being taken by the  
735 Department of Child Protection Services or the Department of Human  
736 Services.

737 (6) In any investigation of a report made under this chapter  
738 of the abuse or neglect of a child as defined in Section  
739 43-21-105(1) or (m), the Department of Child Protection Services  
740 or the Department of Human Services may request the appropriate  
741 law enforcement officer with jurisdiction to accompany the  
742 department in its investigation, and in such cases the law  
743 enforcement officer shall comply with such request.

744 (7) Anyone who willfully violates any provision of this  
745 section shall be, upon being found guilty, punished by a fine not  
746 to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment in  
747 jail not to exceed one (1) year, or both.

748 (8) If a report is made directly to the Department of Child  
749 Protection Services or the Department of Human Services that a  
750 child has been abused or neglected or experienced commercial  
751 sexual exploitation or human trafficking in an out-of-home  
752 setting, a referral shall be made immediately to the law  
753 enforcement agency in whose jurisdiction the abuse occurred and  
754 the department that received the report shall notify the district  
755 attorney's office and State Human Trafficking Coordinator within  
756 forty-eight (48) hours of such report. The Department of Child  
757 Protection Services or the Department of Human Services, whichever  
758 is applicable, shall investigate the out-of-home setting report of



759 abuse or neglect to determine whether the child who is the subject  
760 of the report, or other children in the same environment, comes  
761 within the jurisdiction of the youth court and shall report to the  
762 youth court the department's findings and recommendation as to  
763 whether the child who is the subject of the report or other  
764 children in the same environment require the protection of the  
765 youth court. The law enforcement agency shall investigate the  
766 reported abuse immediately and shall file a preliminary report  
767 with the district attorney's office within forty-eight (48) hours  
768 and shall make additional reports as new information or evidence  
769 becomes available. If the out-of-home setting is a licensed  
770 facility, an additional referral shall be made by the Department  
771 of Child Protection Services or the Department of Human Services,  
772 whichever is applicable, to the licensing agency. The licensing  
773 agency shall investigate the report and shall provide the  
774 department \* \* \* that made the referral, the law enforcement  
775 agency and the district attorney's office with their written  
776 findings from such investigation as well as that licensing  
777 agency's recommendations and actions taken.

778 (9) If a child protective investigation does not result in  
779 an out-of-home placement, a child protective investigator must  
780 provide information to the parent or guardians about community  
781 service programs that provide respite care, counseling and support  
782 for children who have experienced commercial sexual exploitation



783 or human trafficking, voluntary guardianship or other support  
784 services for families in crisis.

785 **SECTION 6.** Section 43-21-105, Mississippi Code of 1972, is  
786 amended as follows:

787 43-21-105. The following words and phrases, for purposes of  
788 this chapter, shall have the meanings ascribed herein unless the  
789 context clearly otherwise requires:

790 (a) "Youth court" means the Youth Court Division.

791 (b) "Judge" means the judge of the Youth Court  
792 Division.

793 (c) "Designee" means any person that the judge appoints  
794 to perform a duty which this chapter requires to be done by the  
795 judge or his designee. The judge may not appoint a person who is  
796 involved in law enforcement or who is an employee of the  
797 Mississippi Department of Human Services to be his designee.

798 (d) "Child" and "youth" are synonymous, and each means  
799 a person who has not reached his eighteenth birthday. A child who  
800 has not reached his eighteenth birthday and is on active duty for  
801 a branch of the armed services or is married is not considered a  
802 "child" or "youth" for the purposes of this chapter.

803 (e) "Parent" means the father or mother to whom the  
804 child has been born, or the father or mother by whom the child has  
805 been legally adopted.

806 (f) "Guardian" means a court-appointed guardian of the  
807 person of a child.





808 (g) "Custodian" means any person having the present  
809 care or custody of a child whether such person be a parent or  
810 otherwise.

811 (h) "Legal custodian" means a court-appointed custodian  
812 of the child.

813 (i) "Delinquent child" means a child who has reached  
814 his tenth birthday and who has committed a delinquent act.

815 (j) "Delinquent act" is any act, which if committed by  
816 an adult, is designated as a crime under state or federal law, or  
817 municipal or county ordinance other than offenses punishable by  
818 life imprisonment or death. A delinquent act includes escape from  
819 lawful detention and violations of the Uniform Controlled  
820 Substances Law and violent behavior.

821 (k) "Child in need of supervision" means a child who  
822 has reached his seventh birthday and is in need of treatment or  
823 rehabilitation because the child:

824 (i) Is habitually disobedient of reasonable and  
825 lawful commands of his parent, guardian or custodian and is  
826 ungovernable; or

827 (ii) While being required to attend school,  
828 willfully and habitually violates the rules thereof or willfully  
829 and habitually absents himself therefrom; or

830 (iii) Runs away from home without good cause; or

831 (iv) Has committed a delinquent act or acts.

832 (l) "Neglected child" means a child:



833 (i) Whose parent, guardian or custodian or any  
834 person responsible for his care or support, neglects or refuses,  
835 when able so to do, to provide for him proper and necessary care  
836 or support, or education as required by law, or medical, surgical,  
837 or other care necessary for his well-being; however, a parent who  
838 withholds medical treatment from any child who in good faith is  
839 under treatment by spiritual means alone through prayer in  
840 accordance with the tenets and practices of a recognized church or  
841 religious denomination by a duly accredited practitioner thereof  
842 shall not, for that reason alone, be considered to be neglectful  
843 under any provision of this chapter; or

844 (ii) Who is otherwise without proper care,  
845 custody, supervision or support; or

846 (iii) Who, for any reason, lacks the special care  
847 made necessary for him by reason of his mental condition, whether  
848 the mental condition is having mental illness or having an  
849 intellectual disability; or

850 (iv) Who, for any reason, lacks the care necessary  
851 for his health, morals or well-being.

852 (m) "Abused child" means a child whose parent, guardian  
853 or custodian or any person responsible for his care or support,  
854 whether legally obligated to do so or not, has caused or allowed  
855 to be caused, upon the child, sexual abuse, sexual exploitation,  
856 commercial sexual exploitation, emotional abuse, mental injury,  
857 nonaccidental physical injury or other maltreatment. However,



858 physical discipline, including spanking, performed on a child by a  
859 parent, guardian or custodian in a reasonable manner shall not be  
860 deemed abuse under this section. "Abused child" also means a  
861 child who is or has been trafficked within the meaning of the  
862 Mississippi Human Trafficking Act by any person, without regard to  
863 the relationship of the person to the child.

864 (n) "Sexual abuse" means obscene or pornographic  
865 photographing, filming or depiction of children for commercial  
866 purposes, or the rape, molestation, incest, prostitution or other  
867 such forms of sexual exploitation of children under circumstances  
868 which indicate that the child's health or welfare is harmed or  
869 threatened.

870 (o) "A child in need of special care" means a child  
871 with any mental or physical illness that cannot be treated with  
872 the dispositional alternatives ordinarily available to the youth  
873 court.

874 (p) A "dependent child" means any child who is not a  
875 child in need of supervision, a delinquent child, an abused child  
876 or a neglected child, and which child has been voluntarily placed  
877 in the custody of the Department of Human Services by his parent,  
878 guardian or custodian.

879 (q) "Custody" means the physical possession of the  
880 child by any person.

881 (r) "Legal custody" means the legal status created by a  
882 court order which gives the legal custodian the responsibilities



883 of physical possession of the child and the duty to provide him  
884 with food, shelter, education and reasonable medical care, all  
885 subject to residual rights and responsibilities of the parent or  
886 guardian of the person.

887 (s) "Detention" means the care of children in  
888 physically restrictive facilities.

889 (t) "Shelter" means care of children in physically  
890 nonrestrictive facilities.

891 (u) "Records involving children" means any of the  
892 following from which the child can be identified:

893 (i) All youth court records as defined in Section  
894 43-21-251;

895 (ii) All social records as defined in Section  
896 43-21-253;

897 (iii) All law enforcement records as defined in  
898 Section 43-21-255;

899 (iv) All agency records as defined in Section  
900 43-21-257; and

901 (v) All other documents maintained by any  
902 representative of the state, county, municipality or other public  
903 agency insofar as they relate to the apprehension, custody,  
904 adjudication or disposition of a child who is the subject of a  
905 youth court cause.

906 (v) "Any person responsible for care or support" means  
907 the person who is providing for the child at a given time. This



908 term shall include, but is not limited to, stepparents, foster  
909 parents, relatives, nonlicensed babysitters or other similar  
910 persons responsible for a child and staff of residential care  
911 facilities and group homes that are licensed by the Department of  
912 Human Services.

913 (w) The singular includes the plural, the plural the  
914 singular and the masculine the feminine when consistent with the  
915 intent of this chapter.

916 (x) "Out-of-home" setting means the temporary  
917 supervision or care of children by the staff of licensed day care  
918 centers, the staff of public, private and state schools, the staff  
919 of juvenile detention facilities, the staff of unlicensed  
920 residential care facilities and group homes and the staff of, or  
921 individuals representing, churches, civic or social organizations.

922 (y) "Durable legal custody" means the legal status  
923 created by a court order which gives the durable legal custodian  
924 the responsibilities of physical possession of the child and the  
925 duty to provide him with care, nurture, welfare, food, shelter,  
926 education and reasonable medical care. All these duties as  
927 enumerated are subject to the residual rights and responsibilities  
928 of the natural parent(s) or guardian(s) of the child or children.

929 (z) "Status offense" means conduct subject to  
930 adjudication by the youth court that would not be a crime if  
931 committed by an adult.



932 (aa) "Financially able" means a parent or child who is  
933 ineligible for a court-appointed attorney.

934 (bb) "Assessment" means an individualized examination  
935 of a child to determine the child's psychosocial needs and  
936 problems, including the type and extent of any mental health,  
937 substance abuse or co-occurring mental health and substance abuse  
938 disorders and recommendations for treatment. The term includes,  
939 but is not limited to, a drug and alcohol, psychological or  
940 psychiatric evaluation, records review, clinical interview or the  
941 administration of a formal test and instrument.

942 (cc) "Screening" means a process, with or without the  
943 administration of a formal instrument, that is designed to  
944 identify a child who is at increased risk of having mental health,  
945 substance abuse or co-occurring mental health and substance abuse  
946 disorders that warrant immediate attention, intervention or more  
947 comprehensive assessment.

948 (dd) "Durable legal relative guardianship" means the  
949 legal status created by a youth court order that conveys the  
950 physical and legal custody of a child or children by durable legal  
951 guardianship to a relative or fictive kin who is licensed as a  
952 foster or resource parent.

953 (ee) "Relative" means a person related to the child by  
954 affinity or consanguinity within the third degree.

955 (ff) "Fictive kin" means a person not related to the  
956 child legally or biologically but who is considered a relative due



957 to a significant, familial-like and ongoing relationship with the  
958 child and family.

959 (gg) "Reasonable efforts" means the exercise of  
960 reasonable care and due diligence by the Department of Human  
961 Services, the Department of Child Protection Services, or any  
962 other appropriate entity or person to use appropriate and  
963 available services to prevent the unnecessary removal of the child  
964 from the home or provide other services related to meeting the  
965 needs of the child and the parents.

966 (hh) "Commercial sexual exploitation" means any crime  
967 of a sexual nature as defined in Section 97-5-51 and any other  
968 sexual crime, which is committed against a child for financial or  
969 economic gain, to obtain a thing of value for quid pro quo  
970 exchange of property or for any other purpose.

971 **SECTION 7.** Section 97-5-51, Mississippi Code of 1972, is  
972 amended as follows:

973 97-5-51. (1) **Definitions.** For the purposes of this  
974 section:

975 (a) "Sex crime against a minor" means any offense under  
976 at least one (1) of the following statutes when committed by an  
977 adult against a minor who is under the age of sixteen (16):

978 (i) Section 97-3-65 relating to rape;

979 (ii) Section 97-3-71 relating to rape and assault  
980 with intent to ravish;

981 (iii) Section 97-3-95 relating to sexual battery;



982 (iv) Section 97-5-23 relating to the touching of a  
983 child, mentally defective or incapacitated person or physically  
984 helpless person for lustful purposes;

985 (v) Section 97-5-41 relating to the carnal  
986 knowledge of a stepchild, adopted child or child of a cohabiting  
987 partner;

988 (vi) Section 97-5-33 relating to exploitation of  
989 children;

990 (vii) Section 97-3-54.1(1)(c) relating to  
991 procuring sexual servitude of a minor;

992 (viii) Section 43-47-18 relating to sexual abuse  
993 of a vulnerable person;

994 (ix) Section 97-1-7 relating to the attempt to  
995 commit any of the offenses listed in this subsection \* \* \*;

996 (x) Section 97-29-51 relating to procuring sexual  
997 services of a minor; and

998 (xi) Section 43-47-18 and Section 43-47-19  
999 relating to sexual battery abuse of a vulnerable person who is a  
1000 minor.

1001 (b) "Mandatory reporter" means any of the following  
1002 individuals performing their occupational duties: health care  
1003 practitioner, clergy member, teaching or child care provider, law  
1004 enforcement officer, or commercial image processor.

1005 (c) "Health care practitioner" means any individual who  
1006 provides health care services, including a physician, surgeon,





1007 physical therapist, psychiatrist, psychologist, medical resident,  
1008 medical intern, hospital staff member, licensed nurse, midwife and  
1009 emergency medical technician or paramedic.

1010 (d) "Clergy member" means any priest, rabbi or duly  
1011 ordained deacon or minister.

1012 (e) "Teaching or child care provider" means anyone who  
1013 provides training or supervision of a minor under the age of  
1014 sixteen (16), including a teacher, teacher's aide, principal or  
1015 staff member of a public or private school, social worker,  
1016 probation officer, foster home parent, group home or other child  
1017 care institutional staff member, personnel of residential home  
1018 facilities, a licensed or unlicensed day care provider.

1019 (f) "Commercial image processor" means any person who,  
1020 for compensation: (i) develops exposed photographic film into  
1021 negatives, slides or prints; (ii) makes prints from negatives or  
1022 slides; or (iii) processes or stores digital media or images from  
1023 any digital process, including, but not limited to, website  
1024 applications, photography, live streaming of video, posting,  
1025 creation of power points or any other means of intellectual  
1026 property communication or media including conversion or  
1027 manipulation of still shots or video into a digital show stored on  
1028 a photography site or a media storage site.

1029 (g) "Caretaker" means any person legally obligated to  
1030 provide or secure adequate care for a minor under the age of



1031 sixteen (16), including a parent, guardian, tutor, legal custodian  
1032 or foster home parent.

1033 (2) (a) **Mandatory reporter requirement.** A mandatory  
1034 reporter shall make a report if it would be reasonable for the  
1035 mandatory reporter to suspect that a sex crime against a minor has  
1036 occurred.

1037 (b) Failure to file a mandatory report shall be  
1038 punished as provided in this section.

1039 (c) Reports made under this section and the identity of  
1040 the mandatory reporter are confidential except when the court  
1041 determines the testimony of the person reporting to be material to  
1042 a judicial proceeding or when the identity of the reporter is  
1043 released to law enforcement agencies and the appropriate  
1044 prosecutor. The identity of the reporting party shall not be  
1045 disclosed to anyone other than law enforcement or prosecutors  
1046 except under court order; violation of this requirement is a  
1047 misdemeanor. Reports made under this section are for the purpose  
1048 of criminal investigation and prosecution only and information  
1049 from these reports is not a public record. Disclosure of any  
1050 information by the prosecutor shall conform to the Mississippi  
1051 Uniform Rules of Circuit and County Court Procedure.

1052 (d) Any mandatory reporter who makes a required report  
1053 under this section or participates in a judicial proceeding  
1054 resulting from a mandatory report shall be presumed to be acting  
1055 in good faith. Any person or institution reporting in good faith



1056 shall be immune from any liability, civil or criminal, that might  
1057 otherwise be incurred or imposed.

1058 (3) (a) **Mandatory reporting procedure.** A report required  
1059 under subsection (2) must be made immediately to the law  
1060 enforcement agency in whose jurisdiction the reporter believes the  
1061 sex crime against the minor occurred. Except as otherwise  
1062 provided in this subsection (3), a mandatory reporter may not  
1063 delegate to any other person the responsibility to report, but  
1064 shall make the report personally.

1065 (i) The reporting requirement under this  
1066 subsection (3) is satisfied if a mandatory reporter in good faith  
1067 reports a suspected sex crime against a minor to the Department of  
1068 Human Services under Section 43-21-353.

1069 (ii) The reporting requirement under this  
1070 subsection (3) is satisfied if a mandatory reporter reports a  
1071 suspected sex crime against a minor by following a reporting  
1072 procedure that is imposed:

1073 1. By state agency rule as part of licensure  
1074 of any person or entity holding a state license to provide  
1075 services that include the treatment or education of abused or  
1076 neglected children; or

1077 2. By statute.

1078 (b) **Contents of the report.** The report shall identify,  
1079 to the extent known to the reporter, the following:

1080 (i) The name and address of the minor victim;



1081                   (ii) The name and address of the minor's  
1082 caretaker;  
1083                   (iii) Any other pertinent information known to the  
1084 reporter.

1085           (4) A law enforcement officer who receives a mandated report  
1086 under this section shall file an affidavit against the offender on  
1087 behalf of the State of Mississippi if there is probable cause to  
1088 believe that the offender has committed a sex crime against a  
1089 minor.

1090           (5) **Collection of forensic samples.** (a) (i) When an  
1091 abortion is performed on a minor who is less than fourteen (14)  
1092 years of age at the time of the abortion procedure, fetal tissue  
1093 extracted during the abortion shall be collected in accordance  
1094 with rules and regulations adopted pursuant to this section if it  
1095 would be reasonable to suspect that the pregnancy being terminated  
1096 is the result of a sex crime against a minor.

1097                   (ii) When a minor who is under sixteen (16) years  
1098 of age gives birth to an infant, umbilical cord blood shall be  
1099 collected, if possible, in accordance with rules and regulations  
1100 adopted pursuant to this section if it would be reasonable to  
1101 suspect that the minor's pregnancy resulted from a sex crime  
1102 against a minor.

1103                   (iii) It shall be reasonable to suspect that a sex  
1104 crime against a minor has occurred if the mother of an infant was



1105 less than sixteen (16) years of age at the time of conception and  
1106 at least one (1) of the following conditions also applies:

1107                   1. The mother of the infant will not identify  
1108 the father of the infant;

1109                   2. The mother of the infant lists the father  
1110 of the infant as unknown;

1111                   3. The person the mother identifies as the  
1112 father of the infant disputes his fatherhood;

1113                   4. The person the mother identifies as the  
1114 father of the infant is twenty-one (21) years of age or older; or

1115                   5. The person the mother identifies as the  
1116 father is deceased.

1117           (b) The State Medical Examiner shall adopt rules and  
1118 regulations consistent with Section 99-49-1 that prescribe:

1119                   (i) The amount and type of fetal tissue or  
1120 umbilical cord blood to be collected pursuant to this section;

1121                   (ii) Procedures for the proper preservation of the  
1122 tissue or blood for the purpose of DNA testing and examination;

1123                   (iii) Procedures for documenting the chain of  
1124 custody of such tissue or blood for use as evidence;

1125                   (iv) Procedures for proper disposal of fetal  
1126 tissue or umbilical cord blood collected pursuant to this section;

1127                   (v) A uniform reporting instrument mandated to be  
1128 utilized, which shall include the complete residence address and



1129 name of the parent or legal guardian of the minor who is the  
1130 subject of the report required under this subsection (5); and  
1131 (vi) Procedures for communication with law  
1132 enforcement agencies regarding evidence and information obtained  
1133 pursuant to this section.

1134 (6) **Penalties.** (a) A person who is convicted of a first  
1135 offense under this section shall be guilty of a misdemeanor and  
1136 fined not more than Five Hundred Dollars (\$500.00).

1137 (b) A person who is convicted of a second offense under  
1138 this section shall be guilty of a misdemeanor and fined not more  
1139 than One Thousand Dollars (\$1,000.00), or imprisoned for not more  
1140 than thirty (30) days, or both.

1141 (c) A person who is convicted of a third or subsequent  
1142 offense under this section shall be guilty of a misdemeanor and  
1143 fined not more than Five Thousand Dollars (\$5,000.00), or  
1144 imprisoned for not more than one (1) year, or both.

1145 (7) A health care practitioner or health care facility shall  
1146 be immune from any penalty, civil or criminal, for good-faith  
1147 compliance with any rules and regulations adopted pursuant to this  
1148 section.

1149 **SECTION 8.** Section 19-5-353, Mississippi Code of 1972, is  
1150 amended as follows:

1151 19-5-353. (1) The initial minimum standard of training for  
1152 local public safety and 911 telecommunicators shall be determined  
1153 by the Board of Emergency Telecommunications Standards and



1154 Training. All courses approved for minimum standards shall be  
1155 taught by instructors certified by the course originator as  
1156 instructors for such courses.

1157 (2) The minimum standards may be changed at any time by the  
1158 Board of Emergency Telecommunications Standards and Training, but  
1159 shall always include at least two (2) hours of training related to  
1160 handling complaints and/or calls of human trafficking and  
1161 commercial sexual exploitation of children as defined in Section  
1162 43-21-105, communicating with such victims and requiring the  
1163 contacting of the Department of Child Protection Services or  
1164 Department of Human Services when human trafficking or commercial  
1165 sexual exploitation is suspected.

1166 (3) Changes in the minimum standards may be made upon  
1167 request from any bona fide public safety, emergency medical or  
1168 fire organization operating within the State of Mississippi.  
1169 Requests for change shall be in writing submitted to either the  
1170 State Law Enforcement Training Academy; the State Fire Academy;  
1171 the Mississippi Chapter of the Associated Public Safety  
1172 Communications Officers, Incorporated; the Mississippi Chapter of  
1173 the National Emergency Number Association; the Mississippi State  
1174 Board of Health, Emergency Medical Services Division; the  
1175 Mississippi Justice Information Center; the Mississippi Sheriff's  
1176 Association; the Mississippi Fire Chief's Association; the  
1177 Mississippi Association of Chiefs of Police; or Mississippians for  
1178 Emergency Medical Services.



1179 (4) The minimum standards in no way are intended to restrict  
1180 or limit any additional training which any department or agency  
1181 may wish to employ, or any state or federal required training, but  
1182 to serve as a basis or foundation for basic training.

1183 (5) Persons in the employment of any public safety, fire,  
1184 911 PSAP or emergency medical agency as a telecommunicator on July  
1185 1, 1993, shall have three (3) years to be certified in the minimum  
1186 standards courses provided they have been employed by such agency  
1187 for a period of more than one (1) year prior to July 1, 1993.

1188 (6) Persons having been employed by any public safety, fire,  
1189 911 PSAP or emergency medical agency as a telecommunicator for  
1190 less than one (1) year prior to July 1, 1993, shall be required to  
1191 have completed all the requirements for minimum training  
1192 standards, as set forth in Sections 19-5-351 through 19-5-361,  
1193 within one (1) year from July 1, 1993. Persons certified on or  
1194 before July 1, 1993, in any course or courses chosen shall be  
1195 given credit for these courses, provided the courses are still  
1196 current and such persons can provide a course completion  
1197 certificate.

1198 (7) Any person hired to perform the duties of a  
1199 telecommunicator in any public safety, fire, 911 PSAP or emergency  
1200 medical agency after July 1, 1993, shall complete the minimum  
1201 training standards as set forth in Sections 19-5-351 through  
1202 19-5-361 within twelve (12) months of their employment or within  
1203 twelve (12) months from the date that the Board of Emergency





1204 Telecommunications Standards and Training shall become  
1205 operational.

1206 (8) Professional certificates remain the property of the  
1207 board, and the board reserves the right to either reprimand the  
1208 holder of a certificate, suspend a certificate upon conditions  
1209 imposed by the board, or cancel and recall any certificate when:

1210 (a) The certificate was issued by administrative error;

1211 (b) The certificate was obtained through  
1212 misrepresentation or fraud;

1213 (c) The holder has been convicted of any crime  
1214 involving moral turpitude;

1215 (d) The holder has been convicted of a felony; or

1216 (e) Other due cause as determined by the board.

1217 When the board believes there is a reasonable basis for  
1218 either the reprimand, suspension, cancellation of, or recalling  
1219 the certification of a telecommunicator, notice and opportunity  
1220 for a hearing shall be provided. Any telecommunicator aggrieved  
1221 by the findings and order of the board may file an appeal with the  
1222 chancery court of the county in which such person is employed from  
1223 the final order of the board. Any telecommunicator whose  
1224 certification has been cancelled pursuant to Sections 19-5-351  
1225 through 19-5-361 may reapply for certification but not sooner than  
1226 two (2) years after the date on which the order of the board  
1227 canceling such certification became final.



1228 (9) Any state agency, political subdivision or "for-profit"  
1229 ambulance, security or fire service company that employs a person  
1230 as a telecommunicator who does not meet the requirements of  
1231 Sections 19-5-351 through 19-5-361, or that employs a person whose  
1232 certificate has been suspended or revoked under provisions of  
1233 Sections 19-5-351 through 19-5-361, is prohibited from paying the  
1234 salary of such person, and any person violating this subsection  
1235 shall be personally liable for making such payment.

1236 (10) These minimum standards and time limitations shall in  
1237 no way conflict with other state and federal training as may be  
1238 required to comply with established laws or regulations.

1239 **SECTION 9.** Section 45-6-7, Mississippi Code of 1972, is  
1240 amended as follows:

1241 45-6-7. In addition to the powers conferred upon the board  
1242 elsewhere in this chapter, the board shall have power to:

1243 (a) Promulgate rules and regulations for the  
1244 administration of this chapter, including the authority to require  
1245 the submission of reports and information by law enforcement  
1246 agencies of the state and its political subdivisions.

1247 (b) Establish minimum educational and training  
1248 standards for admission to employment or appointment as a law  
1249 enforcement officer or a part-time law enforcement officer: (i)  
1250 in a permanent position; and (ii) in a probationary status. The  
1251 minimum educational and training standards for any law enforcement  
1252 officer assigned to field or investigative duties shall include at



1253 least two (2) hours of training related to handling complaints of  
1254 human trafficking and commercial sexual exploitation of children  
1255 as defined in Section 43-21-105, communicating with such victims,  
1256 and requiring the officer to contact the Department of Child  
1257 Protection Services or the Department of Human Services when human  
1258 trafficking or commercial sexual exploitation is suspected.

1259 (c) Certify persons as being qualified under the  
1260 provisions of this chapter to be law enforcement officers or  
1261 part-time law enforcement officers.

1262 (d) Revoke certification for cause and in the manner  
1263 provided in this chapter. The board is authorized to subpoena  
1264 documents regarding revocations. The board shall maintain a  
1265 current list of all persons certified under this chapter who have  
1266 been placed on probation, suspended, subjected to revocation of  
1267 certification, or any combination of these.

1268 (e) Establish minimum curriculum requirements for basic  
1269 and advanced courses and programs for schools operated by or for  
1270 the state or any political subdivision thereof for the specific  
1271 purpose of training police and other law enforcement officers,  
1272 both full- and part-time, which shall include a minimum of two (2)  
1273 hours of training in a course or courses related to the  
1274 identification of and support for victims of human trafficking and  
1275 commercial sexual exploitation.

1276 (f) Consult and cooperate with counties,  
1277 municipalities, state agencies, other governmental agencies, and



1278 with universities, colleges, community and junior colleges and  
1279 other institutions concerning the development of training schools,  
1280 programs or courses of instruction for personnel defined in this  
1281 chapter.

1282 (g) Make recommendations concerning any matter within  
1283 its purview pursuant to this chapter.

1284 (h) Make such inspection and evaluation as may be  
1285 necessary to determine if governmental units are complying with  
1286 the provisions of this chapter.

1287 (i) Approve law enforcement officer training schools  
1288 for operation by or for the state or any political subdivision  
1289 thereof for the specific purpose of training personnel defined in  
1290 this chapter.

1291 (j) Upon the request of agencies employing personnel  
1292 defined in this chapter, conduct surveys or aid municipalities and  
1293 counties to conduct surveys through qualified public or private  
1294 agencies and assist in the implementation of any recommendations  
1295 resulting from such surveys.

1296 (k) Upon request of agencies within the purview of this  
1297 chapter, conduct general and specific management surveys and  
1298 studies of the operations of the requesting agencies at no cost to  
1299 those agencies. The role of the board under this subsection shall  
1300 be that of management consultant.

1301 (l) Adopt and amend regulations consistent with law,  
1302 for its internal management and control of board programs.



1303 (m) Enter into contracts or do such things as may be  
1304 necessary and incidental to the administration of this chapter.

1305 (n) Establish jointly with the State Board of Education  
1306 the minimum level of basic law enforcement training required of  
1307 persons employed by school districts as school security guards, or  
1308 school resource officers or in other positions that have the  
1309 powers of a peace officer.

1310 **SECTION 10.** Section 43-1-55, Mississippi Code of 1972, is  
1311 amended as follows:

1312 43-1-55. (1) The Office of Family and Children's Services  
1313 and the Division of Aging and Adult Services shall devise formal  
1314 standards for employment as a family protection worker and as a  
1315 family protection specialist within their respective offices and  
1316 for service delivery designed to measure the quality of services  
1317 delivered to clients, as well as the timeliness of services. The  
1318 standards shall include at least two (2) hours of training  
1319 regarding the subject of identifying, assessing and providing  
1320 comprehensive services to a child who has experienced or is  
1321 alleged to have experienced commercial sexual exploitation or  
1322 human trafficking. For family protection workers, this training  
1323 may be included in the four (4) weeks of intensive training  
1324 described in paragraph (b) of this subsection. Each family  
1325 protection worker and family protection specialist shall be  
1326 assessed annually by a supervisor who is a licensed social worker  
1327 who is knowledgeable in the standards promulgated. The standards



1328 devised by each office shall be applicable to all family  
1329 protection workers and family protection specialists working under  
1330 that office.

1331 (2) The Office of Family and Children's Services shall  
1332 devise formal standards for family protection workers of the  
1333 Department of Human Services who are not licensed social workers.  
1334 Those standards shall require that:

1335 (a) In order to be employed as a family protection  
1336 worker, a person must have a bachelor's degree in either  
1337 psychology, sociology, nursing, family studies, or a related  
1338 field, or a graduate degree in either psychology, sociology,  
1339 nursing, criminal justice, counseling, marriage and family therapy  
1340 or a related field. The determination of what is a related field  
1341 shall be made by certification of the State Personnel Board; and

1342 (b) Before a person may provide services as a family  
1343 protection worker, the person shall complete four (4) weeks of  
1344 intensive training provided by the training unit of the Office of  
1345 Family and Children's Services, and shall take and receive a  
1346 passing score on the certification test administered by the  
1347 training unit upon completion of the four-week training. Upon  
1348 receiving a passing score on the certification test, the person  
1349 shall be certified as a family protection worker by the Department  
1350 of Human Services. Any person who does not receive a passing  
1351 score on the certification test shall not be employed or maintain  
1352 employment as a family protection worker for the department.



1353 Further, a person, qualified as a family protection worker through  
1354 the procedures set forth above, shall not conduct forensic  
1355 interviews of children until the worker receives additional  
1356 specialized training in child forensic interview protocols and  
1357 techniques by a course or curriculum approved by the Department of  
1358 Human Services to be not less than forty (40) hours.

1359 (3) For the purpose of providing services in child abuse or  
1360 neglect cases, youth court proceedings, vulnerable adults cases,  
1361 and such other cases as designated by the Executive Director of  
1362 Human Services, the caseworker or service provider shall be a  
1363 family protection specialist or a family protection worker whose  
1364 work is overseen by a family protection specialist who is a  
1365 licensed social worker.

1366 (4) The Department of Human Services and the Office of  
1367 Family and Children's Services shall seek to employ and use family  
1368 protection specialists to provide the services of the office, and  
1369 may employ and use family protection workers to provide those  
1370 services only in counties in which there is not a sufficient  
1371 number of family protection specialists to adequately provide  
1372 those services in the county.

1373 (5) (a) There is created a Training and Testing Advisory  
1374 Council to review the department's program of training and testing  
1375 of family protection workers and to make recommendations  
1376 pertaining to the program to the department. The advisory council  
1377 shall be composed of the following ten (10) members: two (2)



1378 employees of the department appointed by the Executive Director of  
1379 Human Services, including one (1) representative of the Office of  
1380 Family and Children's Services and one (1) representative of the  
1381 Division of Aging and Adult Services; the Chairman of the  
1382 Consortium of Accredited Schools of Social Work in Mississippi;  
1383 and the executive director or a board member of a professional  
1384 association or licensing board for each field of study named in  
1385 subsection (2) (a) of this section, as follows: the Mississippi  
1386 Chapter of the National Association of Social Workers; a marriage  
1387 and family therapist who is a member of the Board of Examiners for  
1388 Social Workers and Marriage and Family Therapists, to be selected  
1389 by the four (4) members of the board of examiners who are marriage  
1390 and family therapists; the Mississippi Nurses Association; the  
1391 Mississippi Prosecutors Association; the Mississippi Counseling  
1392 Association; the Mississippi Psychological Association; and an  
1393 officer of the Alabama-Mississippi Sociological Association who is  
1394 a Mississippi resident elected by the executive committee of the  
1395 association. The executive director of each association  
1396 (excluding the Alabama-Mississippi Sociological Association) and  
1397 chairman of the consortium may designate an alternate member to  
1398 serve in his stead on the advisory council. Members of the  
1399 advisory council shall serve without salary or per diem.

1400 (b) A majority of the advisory council members shall  
1401 select from their membership a chairperson to preside over  
1402 meetings and a vice chairperson to preside in the absence of the





1403 chairperson or when the chairperson is excused. The advisory  
1404 council shall adopt procedures governing the manner of conducting  
1405 its business. A majority of the members shall constitute a quorum  
1406 to do business.

1407 (6) This section and Section 43-27-107, Mississippi Code of  
1408 1972, shall stand repealed on July 1, 2019.

1409 **SECTION 11.** Section 97-3-54.9, Mississippi Code of 1972, is  
1410 amended as follows:

1411 97-3-54.9. **Statewide Human Trafficking Coordinator; duties.**

1412 (1) There is created the position of statewide human trafficking  
1413 coordinator within the Attorney General's office. The duties of  
1414 the coordinator shall be as follows:

1415 (a) Coordinate the implementation of this act;

1416 (b) Evaluate state efforts to combat human trafficking;

1417 (c) Collect data on human trafficking activity within  
1418 the state on an ongoing basis, including types of activities  
1419 reported, efforts to combat human trafficking, and impact on  
1420 victims and on the state;

1421 (d) Exclude from publicly released portions of the data  
1422 collected under subsection (1)(c) the identity of any victim and  
1423 the victim's family;

1424 (e) Promote public awareness about human trafficking,  
1425 remedies and services for victims, and national hotline  
1426 information;



1427 (f) Create and maintain a website to publicize the  
1428 coordinator's work;

1429 (g) Submit to the Legislature an annual report of its  
1430 evaluation under subsection (1)(b) and any other annual report  
1431 required by law, including any recommendations, and summary of  
1432 data collected under subsection (1)(c) and otherwise required to  
1433 be collected by the coordinator;

1434 (h) Develop and implement rules and regulations  
1435 pertaining to the use of the Relief for Victims of Human  
1436 Trafficking Fund to support services for victims of human  
1437 trafficking in Mississippi;

1438 (i) Assist in the creation and operations of local  
1439 human trafficking task forces or working groups around the state,  
1440 including serving on a task force; \* \* \*

1441 (j) Conduct other activities, including, but not  
1442 limited to, applying for grants to enhance investigation and  
1443 prosecution of trafficking offenses or to improve victim services  
1444 to combat human trafficking within this state which are  
1445 appropriate \* \* \*; and

1446 (k) Perform any other duties specifically required by  
1447 law for the coordinator.

1448 (2) The coordinator shall be authorized to seek input and  
1449 assistance from state agencies, nongovernmental agencies, service  
1450 providers and other individuals in the performance of the  
1451 foregoing duties.



1452 (3) Each state agency, board and commission shall be  
1453 required to fully cooperate with the coordinator in the  
1454 performance of the duties of that position.

1455 (4) Every investigation of an offense under this chapter  
1456 shall be reported to the coordinator by the initiating law  
1457 enforcement agency pursuant to guidelines established by the  
1458 coordinator.

1459 (5) Notwithstanding the provisions of Section 43-21-261,  
1460 disclosure by any state agency, nongovernmental agency, service  
1461 provider or local or state law enforcement agency of  
1462 nonidentifying information regarding a minor victim to the  
1463 coordinator for the purposes of evaluating and collecting data  
1464 regarding trafficking offenses in the state is specifically  
1465 authorized.

1466 **SECTION 12.** Section 43-47-7, Mississippi Code of 1972, is  
1467 amended as follows:

1468 43-47-7. (1) (a) Except as otherwise provided by Section  
1469 43-47-37 for vulnerable persons in care facilities and by Section  
1470 43-7-65 for the State Ombudsman Program, any person including, but  
1471 not limited to, the following, who knows or suspects that a  
1472 vulnerable person has been or is being abused, neglected or  
1473 exploited shall immediately report such knowledge or suspicion to  
1474 the Department of Human Services or to the county department of  
1475 human services where the vulnerable person is located. If the



1476 vulnerable person is a minor, then such report may be made to the

1477 Department of Child Protection Services:

1478 (i) Attorney, physician, osteopathic physician,  
1479 medical examiner, chiropractor or nurse engaged in the admission,  
1480 examination, care or treatment of vulnerable persons;

1481 (ii) Health professional or mental health  
1482 professional other than one listed in subparagraph (i);

1483 (iii) Practitioner who relies solely on spiritual  
1484 means for healing;

1485 (iv) Social worker, family protection worker,  
1486 family protection specialist or other professional care,  
1487 residential or institutional staff;

1488 (v) State, county or municipal criminal justice  
1489 employee or law enforcement officer;

1490 (vi) Human rights advocacy committee or long-term  
1491 care ombudsman council member; or

1492 (vii) Accountant, stockbroker, financial advisor  
1493 or consultant, insurance agent or consultant, investment advisor  
1494 or consultant, financial planner, or any officer or employee of a  
1495 bank, savings and loan, credit union or any other financial  
1496 service provider.

1497 (b) To the extent possible, a report made pursuant to  
1498 paragraph (a) must contain, but need not be limited to, the  
1499 following information:



1500 (i) Name, age, race, sex, physical description and  
1501 location of each vulnerable person alleged to have been abused,  
1502 neglected or exploited.

1503 (ii) Names, addresses and telephone numbers of the  
1504 vulnerable person's family members.

1505 (iii) Name, address and telephone number of each  
1506 alleged perpetrator.

1507 (iv) Name, address and telephone number of the  
1508 caregiver of the vulnerable person, if different from the alleged  
1509 perpetrator.

1510 (v) Description of the neglect, exploitation,  
1511 physical or psychological injuries sustained.

1512 (vi) Actions taken by the reporter, if any, such  
1513 as notification of the criminal justice agency.

1514 (vii) Any other information available to the  
1515 reporting person which may establish the cause of abuse, neglect  
1516 or exploitation that occurred or is occurring.

1517 In addition to the above, any person or entity holding or  
1518 required to hold a license as specified in Title 73, Professions  
1519 and Vocations, Mississippi Code of 1972, shall be required to give  
1520 his, her or its name, address and telephone number in the report  
1521 of the alleged abuse, neglect or exploitation.

1522 (c) The department, or its designees, shall report to  
1523 an appropriate criminal investigative or prosecutive authority any  
1524 person required by this section to report or who fails to comply



1525 with this section. A person who fails to make a report as  
1526 required under this subsection or who, because of the  
1527 circumstances, should have known or suspected beyond a reasonable  
1528 doubt that a vulnerable person suffers from exploitation, abuse,  
1529 neglect or self-neglect but who knowingly fails to comply with  
1530 this section shall, upon conviction, be guilty of a misdemeanor  
1531 and shall be punished by a fine not exceeding Five Thousand  
1532 Dollars (\$5,000.00), or by imprisonment in the county jail for not  
1533 more than six (6) months, or both such fine and imprisonment.  
1534 However, for purposes of this subsection (1), any recognized legal  
1535 financial transaction shall not be considered cause to report the  
1536 knowledge or suspicion of the financial exploitation of a  
1537 vulnerable person. If a person convicted under this section is a  
1538 member of a profession or occupation that is licensed, certified  
1539 or regulated by the state, the court shall notify the appropriate  
1540 licensing, certifying or regulating entity of the conviction.

1541 (2) Reports received by law enforcement authorities or other  
1542 agencies shall be forwarded immediately to the Department of Human  
1543 Services or the county department of human services. The  
1544 Department of Human Services shall investigate the reported abuse,  
1545 neglect or exploitation immediately and shall file a preliminary  
1546 report of its findings with the Office of the Attorney General  
1547 within forty-eight (48) hours if immediate attention is needed, or  
1548 seventy-two (72) hours if the vulnerable person is not in  
1549 immediate danger and shall make additional reports as new



1550 information or evidence becomes available. The Department of  
1551 Human Services, upon request, shall forward a statement to the  
1552 person making the initial report required by this section as to  
1553 what action is being taken, if any.

1554 (3) The report may be made orally or in writing, but where  
1555 made orally, it shall be followed up by a written report. A  
1556 person who fails to report or to otherwise comply with this  
1557 section, as provided herein, shall have no civil or criminal  
1558 liability, other than that expressly provided for in this section,  
1559 to any person or entity in connection with any failure to report  
1560 or to otherwise comply with the requirements of this section.

1561 (4) Anyone who makes a report required by this section or  
1562 who testifies or participates in any judicial proceedings arising  
1563 from the report or who participates in a required investigation or  
1564 evaluation shall be presumed to be acting in good faith and in so  
1565 doing shall be immune from liability, civil or criminal, that  
1566 might otherwise be incurred or imposed. However, the immunity  
1567 provided under this subsection shall not apply to any suspect or  
1568 perpetrator of any abuse, neglect or exploitation.

1569 (5) A person who intentionally makes a false report under  
1570 the provisions of this section may be found liable in a civil suit  
1571 for any actual damages suffered by the person or persons so  
1572 reported and for any punitive damages set by the court or jury.

1573 (6) The Executive Director of the Department of Human  
1574 Services shall establish a statewide central register of reports



1575 made pursuant to this section. The central register shall be  
1576 capable of receiving reports of vulnerable persons in need of  
1577 protective services seven (7) days a week, twenty-four (24) hours  
1578 a day. To effectuate this purpose, the executive director shall  
1579 establish a single toll-free statewide phone number that all  
1580 persons may use to report vulnerable persons in need of protective  
1581 services, and that all persons authorized by subsection (7) of  
1582 this section may use for determining the existence of prior  
1583 reports in order to evaluate the condition or circumstances of the  
1584 vulnerable person before them. Such oral reports and evidence of  
1585 previous reports shall be transmitted to the appropriate county  
1586 department of human services. The central register shall include,  
1587 but not be limited to, the following information: the name and  
1588 identifying information of the individual reported, the county  
1589 department of human services responsible for the investigation of  
1590 each such report, the names, affiliations and purposes of any  
1591 person requesting or receiving information which the executive  
1592 director believes might be helpful in the furtherance of the  
1593 purposes of this chapter, the name, address, birth date, social  
1594 security number of the perpetrator of abuse, neglect and/or  
1595 exploitation, and the type of abuse, neglect and/or exploitation  
1596 of which there was substantial evidence upon investigation of the  
1597 report. The central register shall inform the person making  
1598 reports required under this section of his or her right to request





1599 statements from the department as to what action is being taken,  
1600 if any.

1601 Each person, business, organization or other entity, whether  
1602 public or private, operated for profit, operated for nonprofit or  
1603 a voluntary unit of government not responsible for law enforcement  
1604 providing care, supervision or treatment of vulnerable persons  
1605 shall conduct criminal history records checks on each new employee  
1606 of the entity who provides, and/or would provide direct patient  
1607 care or services to adults or vulnerable persons, as provided in  
1608 Section 43-11-13.

1609 The department shall not release data that would be harmful  
1610 or detrimental to the vulnerable person or that would identify or  
1611 locate a person who, in good faith, made a report or cooperated in  
1612 a subsequent investigation unless ordered to do so by a court of  
1613 competent jurisdiction.

1614 (7) Reports made pursuant to this section, reports written  
1615 or photographs taken concerning such reports in the possession of  
1616 the Department of Human Services or the county department of human  
1617 services shall be confidential and shall only be made available  
1618 to:

1619 (a) A physician who has before him a vulnerable person  
1620 whom he reasonably suspects may be abused, neglected or exploited,  
1621 as defined in Section 43-47-5;

1622 (b) A duly authorized agency having the responsibility  
1623 for the care or supervision of a subject of the report;



1624 (c) A grand jury or a court of competent jurisdiction,  
1625 upon finding that the information in the record is necessary for  
1626 the determination of charges before the grand jury;

1627 (d) A district attorney or other law enforcement  
1628 official.

1629 Notwithstanding the provisions of paragraph (b) of this  
1630 subsection, the department may not disclose a report of the  
1631 abandonment, exploitation, abuse, neglect or self-neglect of a  
1632 vulnerable person to the vulnerable person's guardian,  
1633 attorney-in-fact, surrogate decision maker, or caregiver who is a  
1634 perpetrator or alleged perpetrator of the abandonment,  
1635 exploitation, abuse or neglect of the vulnerable person.

1636 Any person given access to the names or other information  
1637 identifying the subject of the report, except the subject of the  
1638 report, shall not divulge or make public such identifying  
1639 information unless he is a district attorney or other law  
1640 enforcement official and the purpose is to initiate court action.  
1641 Any person who willfully permits the release of any data or  
1642 information obtained pursuant to this section to persons or  
1643 agencies not permitted to such access by this section shall be  
1644 guilty of a misdemeanor.

1645 (8) Upon reasonable cause to believe that a caretaker or  
1646 other person has abused, neglected or exploited a vulnerable  
1647 person, the department shall promptly notify the district attorney  
1648 of the county in which the vulnerable person is located and the



1649 Office of the Attorney General, except as provided in Section  
1650 43-47-37(2).

1651           **SECTION 13.** This act shall take effect and be in force from  
1652 and after July 1, 2019.

