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To: Judiciary B

HOUSE BILL NO. 571
(As Passed the House)

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 WHO THE OFFICER HAS REASONABLE CAUSE TO
5 SUSPECT IS ENGAGING IN PROSTITUTION TO ACT IN ACCORDANCE WITH THE
6 YOUTH COURT ACT TO OBTAIN CUSTODY OF SUCH MINOR; TO AMEND SECTION
7 43-15-13, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF
8 CHILD PROTECTION SERVICES TO DOCUMENT CHILDREN WHO HAVE
9 EXPERIENCED COMMERCIAL SEXUAL EXPLOITATION OR HUMAN TRAFFICKING;
10 TO REQUIRE THE DEPARTMENT OF CHILD PROTECTION SERVICES TO PROVIDE
11 TRAINING ON HOW TO HANDLE VICTIMS OF COMMERCIAL SEXUAL
12 EXPLOITATION AND HUMAN TRAFFICKING TO ITS FAMILY PROTECTION
13 SPECIALISTS, WORKERS AND FOSTER PARENTS; TO REQUIRE THE DEPARTMENT
14 OF CHILD PROTECTION SERVICES TO CREATE POLICY AND PROCEDURES THAT
15 PROVIDE COUNSELING AND APPROPRIATE SERVICES TO CHILDREN WHO HAVE
16 BEEN VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION OR HUMAN
17 TRAFFICKING; TO AMEND SECTION 43-15-51, MISSISSIPPI CODE OF 1972,
18 TO INCLUDE COMMERCIAL SEXUAL EXPLOITATION AND HUMAN TRAFFICKING IN
19 THE RESPONSIBILITIES FOR MULTIDISCIPLINARY CHILD PROTECTION TEAMS;
20 TO INCLUDE THE DEPARTMENT OF CHILD PROTECTION SERVICES AND THE
21 HUMAN TRAFFICKING COORDINATOR AS MEMBERS OF THE MULTIDISCIPLINARY
22 TEAM; TO AMEND SECTION 97-3-54.1, MISSISSIPPI CODE OF 1972, TO
23 REQUIRE THE DEPARTMENT OF CHILD PROTECTION SERVICES TO INVESTIGATE
24 AND PROVIDE ANNUAL REPORTS OF COMPLAINTS OF COMMERCIAL SEXUAL
25 EXPLOITATION AND HUMAN TRAFFICKING; TO AMEND SECTION 43-21-353,
26 MISSISSIPPI CODE OF 1972, TO INCLUDE THE DEPARTMENT OF CHILD
27 PROTECTION SERVICES AS AN AGENCY TO BE CONTACTED IN THE MANDATORY
28 REPORTING PROVISIONS; TO REQUIRE THE LAW ENFORCEMENT AGENCY TO ADD
29 THE STATE HUMAN TRAFFICKING COORDINATOR AS A CONTACT; TO AMEND
30 SECTION 43-21-105, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT AN
31 ABUSED CHILD INCLUDES A VICTIM OF COMMERCIAL SEXUAL EXPLOITATION
32 OR HUMAN TRAFFICKING; TO AMEND SECTION 97-5-51, MISSISSIPPI CODE
33 OF 1972, TO REVISE THE LIST OF SEX CRIMES AGAINST A MINOR FOR THE
34 PROVISIONS OF LAW REGULATING MANDATORY REPORTING OF SEX CRIMES



35 AGAINST MINORS TO CONFORM TO THE PRECEDING SECTIONS; TO AMEND
36 SECTION 19-5-353, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT THE
37 STANDARDS AND TRAINING FOR 911 TELECOMMUNICATORS INCLUDE RECEIVING
38 AND RESPONDING TO COMPLAINTS OF HUMAN TRAFFICKING AND COMMERCIAL
39 SEXUAL EXPLOITATION; TO AMEND SECTION 45-6-7, MISSISSIPPI CODE OF
40 1972, TO REQUIRE THE BOARD ON LAW ENFORCEMENT STANDARDS AND
41 TRAINING TO INCLUDE IDENTIFICATION, RESPONSE AND SUPPORT OF
42 VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION;
43 TO AMEND SECTIONS 97-3-54.8 AND 97-3-54.9, MISSISSIPPI CODE OF
44 1972, TO PROVIDE THAT THE HUMAN TRAFFICKING COORDINATOR SHALL BE
45 UNDER THE MISSISSIPPI BUREAU OF INVESTIGATION OF THE DEPARTMENT OF
46 PUBLIC SAFETY; TO AMEND SECTIONS 43-1-55, 97-3-54.8, 97-3-54.9 AND
47 43-47-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
48 SECTIONS; AND FOR RELATED PURPOSES.

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

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

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

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

64 (3) In addition to the mandatory reporting provisions
65 contained in Section 97-5-51, any law enforcement officer
66 who * * * encounters a minor under eighteen (18) years of



67 age * * * * * and has reasonable cause to suspect that the minor
68 has engaged in acts described in this section may take the minor
69 into emergency custody in accordance with the requirements of the
70 Youth Court Act for the purpose of obtaining an order of removal
71 of the minor, and shall * * * contact and make a report to the
72 Department of Child Protection Services or the Department of Human
73 Services as required in Section 43-21-353 for suspected child
74 sexual abuse or neglect, and the department that receives the
75 report shall commence an initial investigation into suspected
76 child sexual abuse or neglect as required in Section 43-21-353.

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

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

87 43-15-13. (1) For purposes of this section, "children"
88 means persons found within the state who are under the age of
89 twenty-one (21) years, and who were placed in the custody of the
90 Department of Child Protection Services by the youth court of the
91 appropriate county. For purposes of this chapter, "commercial



92 sexual exploitation" means any sexual act or crime of a sexual
93 nature, which is committed against a child for financial or
94 economic gain, to obtain a thing of value, for quid pro quo
95 exchange of property or any other purpose.

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

99 (a) Protecting and promoting the health, safety and
100 welfare of children;

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

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

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

114 (e) Placing children in suitable adoptive homes
115 approved by a licensed adoption agency or family protection



116 specialist, in cases where restoration to the biological family is
117 not safe, possible or appropriate;

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

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

135 (3) The Department of Child Protection Services shall
136 administer a system of individualized plans * * *, reviews and
137 reports once every six (6) months for each child under its custody
138 within the State of Mississippi, which document each child who has
139 been adjudged a neglected, abandoned or abused child, including a
140 child alleged to have experienced commercial sexual exploitation



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



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

- 186 (a) The child is being cared for by a relative; and/or
187 (b) The department has documented compelling and
188 extraordinary reasons why termination of parental rights would not
189 be in the best interests of the child. Before granting or denying
190 a request by the department for an extension of time for filing a



191 termination of parental rights action, the court shall receive a
192 written report on the progress which a parent of the child has
193 made in treatment, to be made to the court in writing by a mental
194 health/substance abuse therapist or counselor.

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



216 foster home. The department need not initiate termination of
217 parental rights proceedings where the child has been placed in
218 durable legal custody, durable legal relative guardianship, or
219 long-term or formalized foster care by a court of competent
220 jurisdiction.

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

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

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

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

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

235 (e) Social services offered and/or utilized to
236 facilitate plans for establishing a permanent home for the child;
237 and

238 (f) Relevant testimony and recommendations from the
239 foster parent of the child, the grandparents of the child, the
240 guardian ad litem of the child, when appointed, the



241 Court-Appointed Special Advocate (CASA) of the child,
242 representatives of any private care agency that has cared for the
243 child, the family protection worker or family protection
244 specialist assigned to the case, and any other relevant testimony
245 pertaining to the case.

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

261 (6) (a) The Department of Child Protection Services, with
262 the cooperation and assistance of the State Department of Health,
263 shall develop and implement a training program for foster care
264 parents to indoctrinate them as to their proper responsibilities
265 upon a child's entry into their foster care. The program shall



266 provide a minimum of twelve (12) clock hours of training, which
267 shall include training foster care parents about providing mental
268 and physical support to children who have experienced commercial
269 sexual exploitation or human trafficking. The foster care
270 training program shall be satisfactorily completed by such foster
271 care parents before or within ninety (90) days after child
272 placement with the parent. Record of the foster care parent's
273 training program participation shall be filed with the court as
274 part of a child's foster care review plan once every six (6)
275 months.

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

278 (ii) A relative exempted from foster care training
279 is not eligible for board payments, foster care payments, kinship
280 care payments, therapeutic care payments, or any other monthly
281 payments from the department to assist in the care of the child.

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

288 (a) In placing the child in a relative's home, the
289 department may waive any rule, regulation or policy applicable to
290 placement in foster care that would otherwise require the child to



291 have a separate bed or bedroom or have a bedroom of a certain
292 size, if placing the child in a relative's home would be in the
293 best interest of the child and those requirements cannot be met in
294 the relative's home.

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

297 (8) The Legislature recognizes that the best interests of
298 the child require that the child be placed in the most permanent
299 living arrangement as soon as is practicably possible. To achieve
300 this goal, the Department of Child Protection Services is directed
301 to conduct concurrent planning so that a permanent living
302 arrangement may occur at the earliest opportunity. Permanent
303 living arrangements may include prevention of placement of a child
304 outside the home of the family when the child can be cared for at
305 home without endangering the child's health or safety;
306 reunification with the family, when safe and appropriate, if
307 temporary placement is necessary; or movement of the child toward
308 the most permanent living arrangement and permanent legal status.
309 When a child is placed in foster care or relative care, the
310 department shall first ensure and document that reasonable
311 efforts, as defined in Section 43-21-105, were made to prevent or
312 eliminate the need to remove the child from the child's home. The
313 department's first priority shall be to make reasonable efforts to
314 reunify the family when temporary placement of the child occurs or
315 shall request a finding from the court that reasonable efforts are



316 not appropriate or have been unsuccessful. A decision to place a
317 child in foster care or relative care shall be made with
318 consideration of the child's health, safety and best interests.
319 At the time of placement, consideration should also be given so
320 that if reunification fails or is delayed, the placement made is
321 the best available placement to provide a permanent living
322 arrangement for the child. The department shall adopt rules
323 addressing concurrent planning for reunification and a permanent
324 living arrangement. The department shall consider the following
325 factors when determining appropriateness of concurrent planning:

326 (a) The likelihood of prompt reunification;

327 (b) The past history of the family;

328 (c) The barriers to reunification being addressed by
329 the family;

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

331 (e) The foster parents' willingness to work with the
332 family to reunite;

333 (f) The willingness and ability of the foster family or
334 relative placement to provide an adoptive home or long-term
335 placement;

336 (g) The age of the child; and

337 (h) Placement of siblings.

338 (9) If the department has placed a child in foster care or
339 relative care under a court order, the department may not change
340 the child's placement unless the department specifically documents



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

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



366 or unplanned. The only exceptions to giving a written notice to
367 the parent(s) are when a parent has voluntarily released the child
368 for adoption or the parent's legal rights to the child have been
369 terminated through the appropriate court with jurisdiction.

370 (11) The Department of Child Protection Services shall
371 extend the following rights to persons who provide foster care and
372 relative care:

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

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

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

382 (d) Support from the family protection worker or the
383 family protection specialist in efforts to do a better day-to-day
384 job in caring for the child and in working to achieve the agency's
385 objectives for the child and the birth family through provision
386 of:

387 (i) Pertinent information about the child and the
388 birth family;



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

392 (iii) Direct interviews between the family
393 protection worker or specialist and the child, previously
394 discussed and understood by the foster parents;

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

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

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

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

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

407 (i) Reimbursement for property damages caused by
408 children in the custody of the Department of Child Protection
409 Services in an amount not to exceed Five Hundred Dollars
410 (\$500.00), as evidenced by written documentation. The Department
411 of Child Protection Services shall not incur liability for any
412 damages as a result of providing this reimbursement * * *; and



413 (j) Reimbursement for costs of counseling and care
414 provided to a victim of commercial sexual exploitation or human
415 trafficking in an amount not to exceed Five Hundred Dollars
416 (\$500.00), as evidenced by written documentation from a certified
417 counselor or licensed physician. The Department of Child
418 Protection Services shall not incur liability for any damages as a
419 result of providing reimbursement.

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

423 (a) Understanding the department's function in regard
424 to the foster care and relative care program and related social
425 service programs;

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

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

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

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



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

439 (g) Understanding that all information shared with the
440 persons who provide foster care or relative care about the child
441 and his/her birth parent(s) must be held in the strictest of
442 confidence;

443 (h) Cooperating with any plan to reunite the child with
444 his birth family and work with the birth family to achieve this
445 goal; * * *

446 (i) Attending dispositional review hearings and
447 termination of parental rights hearings conducted by a court of
448 competent jurisdiction, or providing their recommendations to the
449 court in writing * * *; and

450 (j) Attending any meetings to provide support to a
451 child who has experienced commercial sexual exploitation or human
452 trafficking.

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

455 43-15-51. (1) The district attorneys * * *, the Department
456 of Human Services or the Department of Child Protection Services
457 may initiate formal cooperative agreements with the appropriate
458 agencies to create multidisciplinary child protection teams in
459 order to implement a coordinated multidisciplinary team approach
460 to intervention in reports involving alleged commercial sexual
461 exploitation, human trafficking, or severe or potential felony



462 child physical or sexual abuse, exploitation, or maltreatment.
463 The multidisciplinary team also may be known as a child abuse task
464 force. The purpose of the team or task force shall be to assist
465 in the evaluation and investigation of reports and to provide
466 consultation and coordination for agencies involved in child
467 protection cases. The agencies to be included as members of the
468 multidisciplinary team are: the district attorney's office, city
469 and county law enforcement agencies, county attorneys, youth court
470 prosecutors, the Human Trafficking Coordinator and other agencies
471 as appropriate. The Department of Child Protection Services shall
472 be included as a member of the multidisciplinary team if the
473 department does not initiate creation of the team.

474 (2) To implement the multidisciplinary child abuse team, the
475 team or task force must be authorized by court order from the
476 appropriate youth court. The court order will designate which
477 agencies will participate in the cooperative multidisciplinary
478 team.

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



487 of the district attorney's office * * *, staff members of a child
488 advocacy center and experts in providing services to commercial
489 sexual exploitation and human trafficking victims.

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

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



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

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

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

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

531 (b) A person who knowingly purchases the forced labor
532 or services of a trafficked person or who otherwise knowingly
533 subjects, or attempts to subject, another person to forced labor
534 or services or who benefits, whether financially or by receiving
535 anything of value from participating in an enterprise that he



536 knows or reasonably should have known has engaged in such acts,
537 shall be guilty of the crime of procuring involuntary servitude.

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

557 (2) If the victim is not a minor, a person who is convicted
558 of an offense set forth in subsection (1)(a) or (b) of this
559 section shall be committed to the custody of the Department of
560 Corrections for not less than two (2) years nor more than twenty



561 (20) years, or by a fine of not less than Ten Thousand Dollars
562 (\$10,000.00) nor more than One Hundred Thousand Dollars
563 (\$100,000.00), or both. If the victim of the offense is a minor,
564 a person who is convicted of an offense set forth in subsection
565 (1) (a) or (b) of this section shall be committed to the custody of
566 the Department of Corrections for not less than five (5) years nor
567 more than twenty (20) years, or by a fine of not less than Twenty
568 Thousand Dollars (\$20,000.00) nor more than One Hundred Thousand
569 Dollars (\$100,000.00), or both.

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

572 (a) An agent of the enterprise knowingly engages in
573 conduct that constitutes an offense under this chapter while
574 acting within the scope of employment and for the benefit of the
575 entity.

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

582 (c) It is an affirmative defense to a prosecution of an
583 enterprise that the enterprise had in place adequate procedures,
584 including an effective complaint procedure, designed to prevent
585 persons associated with the enterprise from engaging in the



586 unlawful conduct and to promptly correct any violations of this
587 chapter.

588 (d) The court may consider the severity of the
589 enterprise's offense and order penalties, including: (i) a fine
590 of not more than One Million Dollars (\$1,000,000.00); (ii)
591 disgorgement of profit; and (iii) debarment from government
592 contracts. Additionally, the court may order any of the relief
593 provided in Section 97-3-54.7.

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



611 Judiciary Committees that includes the number of reports received,
612 the number of cases screened in or out, the number of cases in
613 which care and services were provided as a result of the report,
614 and the type of care and services that were provided. A minor who
615 has been identified as a victim of trafficking shall not be liable
616 for criminal activity in violation of this section.

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

619 (a) Is a victim; and

620 (b) Committed the offense under a reasonable
621 apprehension created by a person that, if the defendant did not
622 commit the act, the person would inflict serious harm on the
623 defendant, a member of the defendant's family, or a close
624 associate.

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

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



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

653 Upon receiving a report that a child has been sexually
654 abused, or a victim of commercial sexual exploitation or human
655 trafficking, or burned, tortured, mutilated, or otherwise
656 physically abused in such a manner as to cause serious bodily
657 harm, or upon receiving any report of abuse that would be a felony
658 under state or federal law, the department * * * that received the
659 report shall immediately notify the law enforcement agency in
660 whose jurisdiction the abuse occurred. * * * Within forty-eight



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

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

683 (3) The Department of Child Protection Services, Department
684 of Human Services and the Statewide Human Trafficking Coordinator
685 shall maintain a statewide incoming wide-area telephone service or



686 similar service for the purpose of receiving reports of suspected
687 cases of child abuse, commercial sexual exploitation or human
688 trafficking; provided that any attorney, physician, dentist,
689 intern, resident, nurse, psychologist, social worker, family
690 protection worker, family protection specialist, child caregiver,
691 minister, law enforcement officer or public or private school
692 employee who is required to report under subsection (1) of this
693 section shall report in the manner required in subsection (1).

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



711 any reports made under this section in a manner not expressly
712 provided for in this section or Section 43-21-261 shall be guilty
713 of a misdemeanor and subject to the penalties prescribed by
714 Section 43-21-267.

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

- 726 (a) The name and address of the child;
- 727 (b) The names and addresses of the parents;
- 728 (c) The name and address of the suspected perpetrator;
- 729 (d) The names and addresses of all witnesses, including
730 the reporting party if a material witness to the abuse;
- 731 (e) A brief statement of the facts indicating that the
732 child has been abused, including whether the child experienced
733 commercial sexual exploitation or human trafficking, and any other
734 information from the agency files or known to the family
735 protection worker or family protection specialist making the



736 investigation, including medical records or other records, which
737 may assist law enforcement or the district attorney in
738 investigating and/or prosecuting the case; and

739 (f) What, if any, action is being taken by the
740 Department of Child Protection Services or the Department of Human
741 Services.

742 (6) In any investigation of a report made under this chapter
743 of the abuse or neglect of a child as defined in Section
744 43-21-105(1) or (m), the Department of Child Protection Services
745 or the Department of Human Services may request the appropriate
746 law enforcement officer with jurisdiction to accompany the
747 department in its investigation, and in such cases the law
748 enforcement officer shall comply with such request.

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

753 (8) If a report is made directly to the Department of Child
754 Protection Services or the Department of Human Services that a
755 child has been abused or neglected or experienced commercial
756 sexual exploitation or human trafficking in an out-of-home
757 setting, a referral shall be made immediately to the law
758 enforcement agency in whose jurisdiction the abuse occurred and
759 the department that received the report shall notify the district
760 attorney's office and State Human Trafficking Coordinator within



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

783 (9) If a child protective investigation does not result in
784 an out-of-home placement, a child protective investigator must
785 provide information to the parent or guardians about community



786 service programs that provide respite care, counseling and support
787 for children who have experienced commercial sexual exploitation
788 or human trafficking, voluntary guardianship or other support
789 services for families in crisis.

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

792 43-21-105. The following words and phrases, for purposes of
793 this chapter, shall have the meanings ascribed herein unless the
794 context clearly otherwise requires:

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

796 (b) "Judge" means the judge of the Youth Court
797 Division.

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

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

808 (e) "Parent" means the father or mother to whom the
809 child has been born, or the father or mother by whom the child has
810 been legally adopted.



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

813 (g) "Custodian" means any person having the present
814 care or custody of a child whether such person be a parent or
815 otherwise.

816 (h) "Legal custodian" means a court-appointed custodian
817 of the child.

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

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

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

829 (i) Is habitually disobedient of reasonable and
830 lawful commands of his parent, guardian or custodian and is
831 ungovernable; or

832 (ii) While being required to attend school,
833 willfully and habitually violates the rules thereof or willfully
834 and habitually absents himself therefrom; or

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



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

837 (1) "Neglected child" means a child:

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

849 (ii) Who is otherwise without proper care,
850 custody, supervision or support; or

851 (iii) Who, for any reason, lacks the special care
852 made necessary for him by reason of his mental condition, whether
853 the mental condition is having mental illness or having an
854 intellectual disability; or

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

857 (m) "Abused child" means a child whose parent, guardian
858 or custodian or any person responsible for his care or support,
859 whether legally obligated to do so or not, has caused or allowed
860 to be caused, upon the child, sexual abuse, sexual exploitation,



861 commercial sexual exploitation, emotional abuse, mental injury,
862 nonaccidental physical injury or other maltreatment. However,
863 physical discipline, including spanking, performed on a child by a
864 parent, guardian or custodian in a reasonable manner shall not be
865 deemed abuse under this section. "Abused child" also means a
866 child who is or has been trafficked within the meaning of the
867 Mississippi Human Trafficking Act by any person, without regard to
868 the relationship of the person to the child.

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

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

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

884 (q) "Custody" means the physical possession of the
885 child by any person.



886 (r) "Legal custody" means the legal status created by a
887 court order which gives the legal custodian the responsibilities
888 of physical possession of the child and the duty to provide him
889 with food, shelter, education and reasonable medical care, all
890 subject to residual rights and responsibilities of the parent or
891 guardian of the person.

892 (s) "Detention" means the care of children in
893 physically restrictive facilities.

894 (t) "Shelter" means care of children in physically
895 nonrestrictive facilities.

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

898 (i) All youth court records as defined in Section
899 43-21-251;

900 (ii) All social records as defined in Section
901 43-21-253;

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

904 (iv) All agency records as defined in Section
905 43-21-257; and

906 (v) All other documents maintained by any
907 representative of the state, county, municipality or other public
908 agency insofar as they relate to the apprehension, custody,
909 adjudication or disposition of a child who is the subject of a
910 youth court cause.



911 (v) "Any person responsible for care or support" means
912 the person who is providing for the child at a given time. This
913 term shall include, but is not limited to, stepparents, foster
914 parents, relatives, nonlicensed babysitters or other similar
915 persons responsible for a child and staff of residential care
916 facilities and group homes that are licensed by the Department of
917 Human Services.

918 (w) The singular includes the plural, the plural the
919 singular and the masculine the feminine when consistent with the
920 intent of this chapter.

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

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



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

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

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

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

953 (dd) "Durable legal relative guardianship" means the
954 legal status created by a youth court order that conveys the
955 physical and legal custody of a child or children by durable legal
956 guardianship to a relative or fictive kin who is licensed as a
957 foster or resource parent.



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

960 (ff) "Fictive kin" means a person not related to the
961 child legally or biologically but who is considered a relative due
962 to a significant, familial-like and ongoing relationship with the
963 child and family.

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

971 (hh) "Commercial sexual exploitation" means any sexual
972 act or crime of a sexual nature, which is committed against a
973 child for financial or economic gain, to obtain a thing of value
974 for quid pro quo exchange of property or for any other purpose.

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

977 97-5-51. (1) **Definitions.** For the purposes of this
978 section:

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

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



983 (ii) Section 97-3-71 relating to rape and assault
984 with intent to ravish;
985 (iii) Section 97-3-95 relating to sexual battery;
986 (iv) Section 97-5-23 relating to the touching of a
987 child, mentally defective or incapacitated person or physically
988 helpless person for lustful purposes;
989 (v) Section 97-5-41 relating to the carnal
990 knowledge of a stepchild, adopted child or child of a cohabiting
991 partner;
992 (vi) Section 97-5-33 relating to exploitation of
993 children;
994 (vii) Section 97-3-54.1(1)(c) relating to
995 procuring sexual servitude of a minor;
996 (viii) Section 43-47-18 relating to sexual abuse
997 of a vulnerable person;
998 (ix) Section 97-1-7 relating to the attempt to
999 commit any of the offenses listed in this subsection * * *;
1000 (x) Section 97-29-51 relating to procuring sexual
1001 services of a minor; and
1002 (xi) Section 43-47-18 and Section 43-47-19
1003 relating to sexual battery abuse of a vulnerable person who is a
1004 minor.
1005 (b) "Mandatory reporter" means any of the following
1006 individuals performing their occupational duties: health care



1007 practitioner, clergy member, teaching or child care provider, law
1008 enforcement officer, or commercial image processor.

1009 (c) "Health care practitioner" means any individual who
1010 provides health care services, including a physician, surgeon,
1011 physical therapist, psychiatrist, psychologist, medical resident,
1012 medical intern, hospital staff member, licensed nurse, midwife and
1013 emergency medical technician or paramedic.

1014 (d) "Clergy member" means any priest, rabbi or duly
1015 ordained deacon or minister.

1016 (e) "Teaching or child care provider" means anyone who
1017 provides training or supervision of a minor under the age of
1018 sixteen (16), including a teacher, teacher's aide, principal or
1019 staff member of a public or private school, social worker,
1020 probation officer, foster home parent, group home or other child
1021 care institutional staff member, personnel of residential home
1022 facilities, a licensed or unlicensed day care provider.

1023 (f) "Commercial image processor" means any person who,
1024 for compensation: (i) develops exposed photographic film into
1025 negatives, slides or prints; (ii) makes prints from negatives or
1026 slides; or (iii) processes or stores digital media or images from
1027 any digital process, including, but not limited to, website
1028 applications, photography, live streaming of video, posting,
1029 creation of power points or any other means of intellectual
1030 property communication or media including conversion or



1031 manipulation of still shots or video into a digital show stored on
1032 a photography site or a media storage site.

1033 (g) "Caretaker" means any person legally obligated to
1034 provide or secure adequate care for a minor under the age of
1035 sixteen (16), including a parent, guardian, tutor, legal custodian
1036 or foster home parent.

1037 (2) (a) **Mandatory reporter requirement.** A mandatory
1038 reporter shall make a report if it would be reasonable for the
1039 mandatory reporter to suspect that a sex crime against a minor has
1040 occurred.

1041 (b) Failure to file a mandatory report shall be
1042 punished as provided in this section.

1043 (c) Reports made under this section and the identity of
1044 the mandatory reporter are confidential except when the court
1045 determines the testimony of the person reporting to be material to
1046 a judicial proceeding or when the identity of the reporter is
1047 released to law enforcement agencies and the appropriate
1048 prosecutor. The identity of the reporting party shall not be
1049 disclosed to anyone other than law enforcement or prosecutors
1050 except under court order; violation of this requirement is a
1051 misdemeanor. Reports made under this section are for the purpose
1052 of criminal investigation and prosecution only and information
1053 from these reports is not a public record. Disclosure of any
1054 information by the prosecutor shall conform to the Mississippi
1055 Uniform Rules of Circuit and County Court Procedure.



1056 (d) Any mandatory reporter who makes a required report
1057 under this section or participates in a judicial proceeding
1058 resulting from a mandatory report shall be presumed to be acting
1059 in good faith. Any person or institution reporting in good faith
1060 shall be immune from any liability, civil or criminal, that might
1061 otherwise be incurred or imposed.

1062 (3) (a) **Mandatory reporting procedure.** A report required
1063 under subsection (2) must be made immediately to the law
1064 enforcement agency in whose jurisdiction the reporter believes the
1065 sex crime against the minor occurred. Except as otherwise
1066 provided in this subsection (3), a mandatory reporter may not
1067 delegate to any other person the responsibility to report, but
1068 shall make the report personally.

1069 (i) The reporting requirement under this
1070 subsection (3) is satisfied if a mandatory reporter in good faith
1071 reports a suspected sex crime against a minor to the Department of
1072 Human Services under Section 43-21-353.

1073 (ii) The reporting requirement under this
1074 subsection (3) is satisfied if a mandatory reporter reports a
1075 suspected sex crime against a minor by following a reporting
1076 procedure that is imposed:

1077 1. By state agency rule as part of licensure
1078 of any person or entity holding a state license to provide
1079 services that include the treatment or education of abused or
1080 neglected children; or



1081 2. By statute.

1082 (b) **Contents of the report.** The report shall identify,
1083 to the extent known to the reporter, the following:

1084 (i) The name and address of the minor victim;

1085 (ii) The name and address of the minor's
1086 caretaker;

1087 (iii) Any other pertinent information known to the
1088 reporter.

1089 (4) A law enforcement officer who receives a mandated report
1090 under this section shall file an affidavit against the offender on
1091 behalf of the State of Mississippi if there is probable cause to
1092 believe that the offender has committed a sex crime against a
1093 minor.

1094 (5) **Collection of forensic samples.** (a) (i) When an
1095 abortion is performed on a minor who is less than fourteen (14)
1096 years of age at the time of the abortion procedure, fetal tissue
1097 extracted during the abortion shall be collected in accordance
1098 with rules and regulations adopted pursuant to this section if it
1099 would be reasonable to suspect that the pregnancy being terminated
1100 is the result of a sex crime against a minor.

1101 (ii) When a minor who is under sixteen (16) years
1102 of age gives birth to an infant, umbilical cord blood shall be
1103 collected, if possible, in accordance with rules and regulations
1104 adopted pursuant to this section if it would be reasonable to



1105 suspect that the minor's pregnancy resulted from a sex crime
1106 against a minor.

1107 (iii) It shall be reasonable to suspect that a sex
1108 crime against a minor has occurred if the mother of an infant was
1109 less than sixteen (16) years of age at the time of conception and
1110 at least one (1) of the following conditions also applies:

1111 1. The mother of the infant will not identify
1112 the father of the infant;

1113 2. The mother of the infant lists the father
1114 of the infant as unknown;

1115 3. The person the mother identifies as the
1116 father of the infant disputes his fatherhood;

1117 4. The person the mother identifies as the
1118 father of the infant is twenty-one (21) years of age or older; or

1119 5. The person the mother identifies as the
1120 father is deceased.

1121 (b) The State Medical Examiner shall adopt rules and
1122 regulations consistent with Section 99-49-1 that prescribe:

1123 (i) The amount and type of fetal tissue or
1124 umbilical cord blood to be collected pursuant to this section;

1125 (ii) Procedures for the proper preservation of the
1126 tissue or blood for the purpose of DNA testing and examination;

1127 (iii) Procedures for documenting the chain of
1128 custody of such tissue or blood for use as evidence;



1129 (iv) Procedures for proper disposal of fetal
1130 tissue or umbilical cord blood collected pursuant to this section;

1131 (v) A uniform reporting instrument mandated to be
1132 utilized, which shall include the complete residence address and
1133 name of the parent or legal guardian of the minor who is the
1134 subject of the report required under this subsection (5); and

1135 (vi) Procedures for communication with law
1136 enforcement agencies regarding evidence and information obtained
1137 pursuant to this section.

1138 (6) **Penalties.** (a) A person who is convicted of a first
1139 offense under this section shall be guilty of a misdemeanor and
1140 fined not more than Five Hundred Dollars (\$500.00).

1141 (b) A person who is convicted of a second offense under
1142 this section shall be guilty of a misdemeanor and fined not more
1143 than One Thousand Dollars (\$1,000.00), or imprisoned for not more
1144 than thirty (30) days, or both.

1145 (c) A person who is convicted of a third or subsequent
1146 offense under this section shall be guilty of a misdemeanor and
1147 fined not more than Five Thousand Dollars (\$5,000.00), or
1148 imprisoned for not more than one (1) year, or both.

1149 (7) A health care practitioner or health care facility shall
1150 be immune from any penalty, civil or criminal, for good-faith
1151 compliance with any rules and regulations adopted pursuant to this
1152 section.



1153 **SECTION 8.** Section 19-5-353, Mississippi Code of 1972, is
1154 amended as follows:

1155 19-5-353. (1) The initial minimum standard of training for
1156 local public safety and 911 telecommunicators shall be determined
1157 by the Board of Emergency Telecommunications Standards and
1158 Training. All courses approved for minimum standards shall be
1159 taught by instructors certified by the course originator as
1160 instructors for such courses.

1161 (2) The minimum standards may be changed at any time by the
1162 Board of Emergency Telecommunications Standards and Training, but
1163 shall always include at least two (2) hours of training related to
1164 handling complaints and/or calls of human trafficking and
1165 commercial sexual exploitation of children as defined in Section
1166 43-21-105, communicating with such victims and requiring the
1167 contacting of the Department of Child Protection Services or
1168 Department of Human Services when human trafficking or commercial
1169 sexual exploitation is suspected.

1170 (3) Changes in the minimum standards may be made upon
1171 request from any bona fide public safety, emergency medical or
1172 fire organization operating within the State of Mississippi.
1173 Requests for change shall be in writing submitted to either the
1174 State Law Enforcement Training Academy; the State Fire Academy;
1175 the Mississippi Chapter of the Associated Public Safety
1176 Communications Officers, Incorporated; the Mississippi Chapter of
1177 the National Emergency Number Association; the Mississippi State



1178 Board of Health, Emergency Medical Services Division; the
1179 Mississippi Justice Information Center; the Mississippi Sheriff's
1180 Association; the Mississippi Fire Chief's Association; the
1181 Mississippi Association of Chiefs of Police; or Mississippians for
1182 Emergency Medical Services.

1183 (4) The minimum standards in no way are intended to restrict
1184 or limit any additional training which any department or agency
1185 may wish to employ, or any state or federal required training, but
1186 to serve as a basis or foundation for basic training.

1187 (5) Persons in the employment of any public safety, fire,
1188 911 PSAP or emergency medical agency as a telecommunicator on July
1189 1, 1993, shall have three (3) years to be certified in the minimum
1190 standards courses provided they have been employed by such agency
1191 for a period of more than one (1) year prior to July 1, 1993.

1192 (6) Persons having been employed by any public safety, fire,
1193 911 PSAP or emergency medical agency as a telecommunicator for
1194 less than one (1) year prior to July 1, 1993, shall be required to
1195 have completed all the requirements for minimum training
1196 standards, as set forth in Sections 19-5-351 through 19-5-361,
1197 within one (1) year from July 1, 1993. Persons certified on or
1198 before July 1, 1993, in any course or courses chosen shall be
1199 given credit for these courses, provided the courses are still
1200 current and such persons can provide a course completion
1201 certificate.



1202 (7) Any person hired to perform the duties of a
1203 telecommunicator in any public safety, fire, 911 PSAP or emergency
1204 medical agency after July 1, 1993, shall complete the minimum
1205 training standards as set forth in Sections 19-5-351 through
1206 19-5-361 within twelve (12) months of their employment or within
1207 twelve (12) months from the date that the Board of Emergency
1208 Telecommunications Standards and Training shall become
1209 operational.

1210 (8) Professional certificates remain the property of the
1211 board, and the board reserves the right to either reprimand the
1212 holder of a certificate, suspend a certificate upon conditions
1213 imposed by the board, or cancel and recall any certificate when:

1214 (a) The certificate was issued by administrative error;

1215 (b) The certificate was obtained through
1216 misrepresentation or fraud;

1217 (c) The holder has been convicted of any crime
1218 involving moral turpitude;

1219 (d) The holder has been convicted of a felony; or

1220 (e) Other due cause as determined by the board.

1221 When the board believes there is a reasonable basis for
1222 either the reprimand, suspension, cancellation of, or recalling
1223 the certification of a telecommunicator, notice and opportunity
1224 for a hearing shall be provided. Any telecommunicator aggrieved
1225 by the findings and order of the board may file an appeal with the
1226 chancery court of the county in which such person is employed from



1227 the final order of the board. Any telecommunicator whose
1228 certification has been cancelled pursuant to Sections 19-5-351
1229 through 19-5-361 may reapply for certification but not sooner than
1230 two (2) years after the date on which the order of the board
1231 canceling such certification became final.

1232 (9) Any state agency, political subdivision or "for-profit"
1233 ambulance, security or fire service company that employs a person
1234 as a telecommunicator who does not meet the requirements of
1235 Sections 19-5-351 through 19-5-361, or that employs a person whose
1236 certificate has been suspended or revoked under provisions of
1237 Sections 19-5-351 through 19-5-361, is prohibited from paying the
1238 salary of such person, and any person violating this subsection
1239 shall be personally liable for making such payment.

1240 (10) These minimum standards and time limitations shall in
1241 no way conflict with other state and federal training as may be
1242 required to comply with established laws or regulations.

1243 **SECTION 9.** Section 45-6-7, Mississippi Code of 1972, is
1244 amended as follows:

1245 45-6-7. In addition to the powers conferred upon the board
1246 elsewhere in this chapter, the board shall have power to:

1247 (a) Promulgate rules and regulations for the
1248 administration of this chapter, including the authority to require
1249 the submission of reports and information by law enforcement
1250 agencies of the state and its political subdivisions.



1251 (b) Establish minimum educational and training
1252 standards for admission to employment or appointment as a law
1253 enforcement officer or a part-time law enforcement officer: (i)
1254 in a permanent position; and (ii) in a probationary status. The
1255 minimum educational and training standards for any law enforcement
1256 officer assigned to field or investigative duties shall include at
1257 least two (2) hours of training related to handling complaints of
1258 human trafficking and commercial sexual exploitation of children
1259 as defined in Section 43-21-105, communicating with such victims,
1260 and requiring the officer to contact the Department of Child
1261 Protection Services or the Department of Human Services when human
1262 trafficking or commercial sexual exploitation is suspected.

1263 (c) Certify persons as being qualified under the
1264 provisions of this chapter to be law enforcement officers or
1265 part-time law enforcement officers.

1266 (d) Revoke certification for cause and in the manner
1267 provided in this chapter. The board is authorized to subpoena
1268 documents regarding revocations. The board shall maintain a
1269 current list of all persons certified under this chapter who have
1270 been placed on probation, suspended, subjected to revocation of
1271 certification, or any combination of these.

1272 (e) Establish minimum curriculum requirements for basic
1273 and advanced courses and programs for schools operated by or for
1274 the state or any political subdivision thereof for the specific
1275 purpose of training police and other law enforcement officers,



1276 both full- and part-time, which shall include a minimum of two (2)
1277 hours of training in a course or courses related to the
1278 identification of and support for victims of human trafficking and
1279 commercial sexual exploitation.

1280 (f) Consult and cooperate with counties,
1281 municipalities, state agencies, other governmental agencies, and
1282 with universities, colleges, community and junior colleges and
1283 other institutions concerning the development of training schools,
1284 programs or courses of instruction for personnel defined in this
1285 chapter.

1286 (g) Make recommendations concerning any matter within
1287 its purview pursuant to this chapter.

1288 (h) Make such inspection and evaluation as may be
1289 necessary to determine if governmental units are complying with
1290 the provisions of this chapter.

1291 (i) Approve law enforcement officer training schools
1292 for operation by or for the state or any political subdivision
1293 thereof for the specific purpose of training personnel defined in
1294 this chapter.

1295 (j) Upon the request of agencies employing personnel
1296 defined in this chapter, conduct surveys or aid municipalities and
1297 counties to conduct surveys through qualified public or private
1298 agencies and assist in the implementation of any recommendations
1299 resulting from such surveys.



1300 (k) Upon request of agencies within the purview of this
1301 chapter, conduct general and specific management surveys and
1302 studies of the operations of the requesting agencies at no cost to
1303 those agencies. The role of the board under this subsection shall
1304 be that of management consultant.

1305 (l) Adopt and amend regulations consistent with law,
1306 for its internal management and control of board programs.

1307 (m) Enter into contracts or do such things as may be
1308 necessary and incidental to the administration of this chapter.

1309 (n) Establish jointly with the State Board of Education
1310 the minimum level of basic law enforcement training required of
1311 persons employed by school districts as school security guards, or
1312 school resource officers or in other positions that have the
1313 powers of a peace officer.

1314 **SECTION 10.** Section 43-1-55, Mississippi Code of 1972, is
1315 amended as follows:

1316 43-1-55. (1) The Office of Family and Children's Services
1317 and the Division of Aging and Adult Services shall devise formal
1318 standards for employment as a family protection worker and as a
1319 family protection specialist within their respective offices and
1320 for service delivery designed to measure the quality of services
1321 delivered to clients, as well as the timeliness of services. The
1322 standards shall include at least two (2) hours of training
1323 regarding the subject of identifying, assessing and providing
1324 comprehensive services to a child who has experienced or is



1325 alleged to have experienced commercial sexual exploitation or
1326 human trafficking. For family protection workers, this training
1327 may be included in the four (4) weeks of intensive training
1328 described in paragraph (b) of this subsection. Each family
1329 protection worker and family protection specialist shall be
1330 assessed annually by a supervisor who is a licensed social worker
1331 who is knowledgeable in the standards promulgated. The standards
1332 devised by each office shall be applicable to all family
1333 protection workers and family protection specialists working under
1334 that office.

1335 (2) The Office of Family and Children's Services shall
1336 devise formal standards for family protection workers of the
1337 Department of Human Services who are not licensed social workers.
1338 Those standards shall require that:

1339 (a) In order to be employed as a family protection
1340 worker, a person must have a bachelor's degree in either
1341 psychology, sociology, nursing, family studies, or a related
1342 field, or a graduate degree in either psychology, sociology,
1343 nursing, criminal justice, counseling, marriage and family therapy
1344 or a related field. The determination of what is a related field
1345 shall be made by certification of the State Personnel Board; and

1346 (b) Before a person may provide services as a family
1347 protection worker, the person shall complete four (4) weeks of
1348 intensive training provided by the training unit of the Office of
1349 Family and Children's Services, and shall take and receive a



1350 passing score on the certification test administered by the
1351 training unit upon completion of the four-week training. Upon
1352 receiving a passing score on the certification test, the person
1353 shall be certified as a family protection worker by the Department
1354 of Human Services. Any person who does not receive a passing
1355 score on the certification test shall not be employed or maintain
1356 employment as a family protection worker for the department.
1357 Further, a person, qualified as a family protection worker through
1358 the procedures set forth above, shall not conduct forensic
1359 interviews of children until the worker receives additional
1360 specialized training in child forensic interview protocols and
1361 techniques by a course or curriculum approved by the Department of
1362 Human Services to be not less than forty (40) hours.

1363 (3) For the purpose of providing services in child abuse or
1364 neglect cases, youth court proceedings, vulnerable adults cases,
1365 and such other cases as designated by the Executive Director of
1366 Human Services, the caseworker or service provider shall be a
1367 family protection specialist or a family protection worker whose
1368 work is overseen by a family protection specialist who is a
1369 licensed social worker.

1370 (4) The Department of Human Services and the Office of
1371 Family and Children's Services shall seek to employ and use family
1372 protection specialists to provide the services of the office, and
1373 may employ and use family protection workers to provide those
1374 services only in counties in which there is not a sufficient



1375 number of family protection specialists to adequately provide
1376 those services in the county.

1377 (5) (a) There is created a Training and Testing Advisory
1378 Council to review the department's program of training and testing
1379 of family protection workers and to make recommendations
1380 pertaining to the program to the department. The advisory council
1381 shall be composed of the following ten (10) members: two (2)
1382 employees of the department appointed by the Executive Director of
1383 Human Services, including one (1) representative of the Office of
1384 Family and Children's Services and one (1) representative of the
1385 Division of Aging and Adult Services; the Chairman of the
1386 Consortium of Accredited Schools of Social Work in Mississippi;
1387 and the executive director or a board member of a professional
1388 association or licensing board for each field of study named in
1389 subsection (2) (a) of this section, as follows: the Mississippi
1390 Chapter of the National Association of Social Workers; a marriage
1391 and family therapist who is a member of the Board of Examiners for
1392 Social Workers and Marriage and Family Therapists, to be selected
1393 by the four (4) members of the board of examiners who are marriage
1394 and family therapists; the Mississippi Nurses Association; the
1395 Mississippi Prosecutors Association; the Mississippi Counseling
1396 Association; the Mississippi Psychological Association; and an
1397 officer of the Alabama-Mississippi Sociological Association who is
1398 a Mississippi resident elected by the executive committee of the
1399 association. The executive director of each association



1400 (excluding the Alabama-Mississippi Sociological Association) and
1401 chairman of the consortium may designate an alternate member to
1402 serve in his stead on the advisory council. Members of the
1403 advisory council shall serve without salary or per diem.

1404 (b) A majority of the advisory council members shall
1405 select from their membership a chairperson to preside over
1406 meetings and a vice chairperson to preside in the absence of the
1407 chairperson or when the chairperson is excused. The advisory
1408 council shall adopt procedures governing the manner of conducting
1409 its business. A majority of the members shall constitute a quorum
1410 to do business.

1411 (6) This section and Section 43-27-107, Mississippi Code of
1412 1972, shall stand repealed on July 1, 2019.

1413 **SECTION 11.** Section 97-3-54.8, Mississippi Code of 1972, is
1414 amended as follows:

1415 97-3-54.8. **Relief for Victims of Human Trafficking Fund.**

1416 (1) There is hereby created in the State Treasury a special fund
1417 to be known as the "Relief for Victims of Human Trafficking Fund."
1418 The fund shall be a continuing fund, not subject to fiscal-year
1419 limitations, and shall consist of:

- 1420 (a) Monies appropriated by the Legislature;
- 1421 (b) The interest accruing to the fund;
- 1422 (c) Donations or grant funds received; and
- 1423 (d) Monies received from such other sources as may be
1424 provided by law.



1425 (2) The monies in the Relief for Victims of Human
1426 Trafficking Fund shall be used by the Mississippi * * * Bureau of
1427 Investigation of the Department of Public Safety solely for the
1428 administration of programs designed to assist victims of human
1429 trafficking, to conduct training on human trafficking to law
1430 enforcement, court personnel, attorneys, and nongovernmental
1431 service providers, and to support the duties of the Statewide
1432 Human Trafficking Coordinator as set forth in this act and as
1433 otherwise provided by law.

1434 (3) From and after July 1, 2016, the expenses of the Relief
1435 for Victims of Human Trafficking Fund program shall be defrayed by
1436 appropriation from the State General Fund and all user charges and
1437 fees authorized under this section shall be deposited into the
1438 State General Fund as authorized by law and as determined by the
1439 State Fiscal Officer.

1440 (4) From and after July 1, 2016, no state agency shall
1441 charge another state agency a fee, assessment, rent or other
1442 charge for services or resources received by authority of this
1443 section.

1444 **SECTION 12.** Section 97-3-54.9, Mississippi Code of 1972, is
1445 amended as follows:

1446 97-3-54.9. **Statewide Human Trafficking Coordinator; duties.**

1447 (1) There is created the position of statewide human trafficking
1448 coordinator within the * * * Mississippi Bureau of Investigation



1449 of the Department of Public Safety office. The duties of the
1450 coordinator shall be as follows:

1451 (a) Coordinate the implementation of this act;

1452 (b) Evaluate state efforts to combat human trafficking;

1453 (c) Collect data on human trafficking activity within
1454 the state on an ongoing basis, including types of activities
1455 reported, efforts to combat human trafficking, and impact on
1456 victims and on the state;

1457 (d) Exclude from publicly released portions of the data
1458 collected under subsection (1)(c) the identity of any victim and
1459 the victim's family;

1460 (e) Promote public awareness about human trafficking,
1461 remedies and services for victims, and national hotline
1462 information;

1463 (f) Create and maintain a website to publicize the
1464 coordinator's work;

1465 (g) Submit to the Legislature an annual report of its
1466 evaluation under subsection (1)(b) and any other annual report
1467 required by law, including any recommendations, and summary of
1468 data collected under subsection (1)(c) and any other data
1469 otherwise required by law to be collected by the coordinator;

1470 (h) Develop and implement rules and regulations
1471 pertaining to the use of the Relief for Victims of Human
1472 Trafficking Fund to support services for victims of human
1473 trafficking in Mississippi;



1474 (i) Assist in the creation and operations of local
1475 human trafficking task forces or working groups around the state,
1476 including serving on a task force or a multidisciplinary child
1477 protection team; * * *

1478 (j) Conduct other activities, including, but not
1479 limited to, applying for grants to enhance investigation and
1480 prosecution of trafficking offenses or to improve victim services
1481 to combat human trafficking within this state which are
1482 appropriate * * *; and

1483 (k) Perform any other duties specifically required by
1484 law for the coordinator.

1485 (2) The coordinator shall be authorized to seek input and
1486 assistance from state agencies, nongovernmental agencies, service
1487 providers and other individuals in the performance of the
1488 foregoing duties.

1489 (3) Each state agency, board and commission shall be
1490 required to fully cooperate with the coordinator in the
1491 performance of the duties of that position.

1492 (4) Every investigation of an offense under this chapter
1493 shall be reported to the coordinator by the initiating law
1494 enforcement agency pursuant to guidelines established by the
1495 coordinator.

1496 (5) Notwithstanding the provisions of Section 43-21-261,
1497 disclosure by any state agency, nongovernmental agency, service
1498 provider or local or state law enforcement agency of



1499 nonidentifying information regarding a minor victim to the
1500 coordinator for the purposes of evaluating and collecting data
1501 regarding trafficking offenses in the state is specifically
1502 authorized.

1503 **SECTION 13.** Section 43-47-7, Mississippi Code of 1972, is
1504 amended as follows:

1505 43-47-7. (1) (a) Except as otherwise provided by Section
1506 43-47-37 for vulnerable persons in care facilities and by Section
1507 43-7-65 for the State Ombudsman Program, any person including, but
1508 not limited to, the following, who knows or suspects that a
1509 vulnerable person has been or is being abused, neglected or
1510 exploited shall immediately report such knowledge or suspicion to
1511 the Department of Human Services or to the county department of
1512 human services where the vulnerable person is located. If the
1513 vulnerable person is a minor, then such report may be made to the
1514 Department of Child Protection Services:

1515 (i) Attorney, physician, osteopathic physician,
1516 medical examiner, chiropractor or nurse engaged in the admission,
1517 examination, care or treatment of vulnerable persons;

1518 (ii) Health professional or mental health
1519 professional other than one listed in subparagraph (i);

1520 (iii) Practitioner who relies solely on spiritual
1521 means for healing;



1522 (iv) Social worker, family protection worker,
1523 family protection specialist or other professional care,
1524 residential or institutional staff;

1525 (v) State, county or municipal criminal justice
1526 employee or law enforcement officer;

1527 (vi) Human rights advocacy committee or long-term
1528 care ombudsman council member; or

1529 (vii) Accountant, stockbroker, financial advisor
1530 or consultant, insurance agent or consultant, investment advisor
1531 or consultant, financial planner, or any officer or employee of a
1532 bank, savings and loan, credit union or any other financial
1533 service provider.

1534 (b) To the extent possible, a report made pursuant to
1535 paragraph (a) must contain, but need not be limited to, the
1536 following information:

1537 (i) Name, age, race, sex, physical description and
1538 location of each vulnerable person alleged to have been abused,
1539 neglected or exploited.

1540 (ii) Names, addresses and telephone numbers of the
1541 vulnerable person's family members.

1542 (iii) Name, address and telephone number of each
1543 alleged perpetrator.

1544 (iv) Name, address and telephone number of the
1545 caregiver of the vulnerable person, if different from the alleged
1546 perpetrator.



1547 (v) Description of the neglect, exploitation,
1548 physical or psychological injuries sustained.

1549 (vi) Actions taken by the reporter, if any, such
1550 as notification of the criminal justice agency.

1551 (vii) Any other information available to the
1552 reporting person which may establish the cause of abuse, neglect
1553 or exploitation that occurred or is occurring.

1554 In addition to the above, any person or entity holding or
1555 required to hold a license as specified in Title 73, Professions
1556 and Vocations, Mississippi Code of 1972, shall be required to give
1557 his, her or its name, address and telephone number in the report
1558 of the alleged abuse, neglect or exploitation.

1559 (c) The department, or its designees, shall report to
1560 an appropriate criminal investigative or prosecutive authority any
1561 person required by this section to report or who fails to comply
1562 with this section. A person who fails to make a report as
1563 required under this subsection or who, because of the
1564 circumstances, should have known or suspected beyond a reasonable
1565 doubt that a vulnerable person suffers from exploitation, abuse,
1566 neglect or self-neglect but who knowingly fails to comply with
1567 this section shall, upon conviction, be guilty of a misdemeanor
1568 and shall be punished by a fine not exceeding Five Thousand
1569 Dollars (\$5,000.00), or by imprisonment in the county jail for not
1570 more than six (6) months, or both such fine and imprisonment.
1571 However, for purposes of this subsection (1), any recognized legal



1572 financial transaction shall not be considered cause to report the
1573 knowledge or suspicion of the financial exploitation of a
1574 vulnerable person. If a person convicted under this section is a
1575 member of a profession or occupation that is licensed, certified
1576 or regulated by the state, the court shall notify the appropriate
1577 licensing, certifying or regulating entity of the conviction.

1578 (2) Reports received by law enforcement authorities or other
1579 agencies shall be forwarded immediately to the Department of Human
1580 Services or the county department of human services. The
1581 Department of Human Services shall investigate the reported abuse,
1582 neglect or exploitation immediately and shall file a preliminary
1583 report of its findings with the Office of the Attorney General
1584 within forty-eight (48) hours if immediate attention is needed, or
1585 seventy-two (72) hours if the vulnerable person is not in
1586 immediate danger and shall make additional reports as new
1587 information or evidence becomes available. The Department of
1588 Human Services, upon request, shall forward a statement to the
1589 person making the initial report required by this section as to
1590 what action is being taken, if any.

1591 (3) The report may be made orally or in writing, but where
1592 made orally, it shall be followed up by a written report. A
1593 person who fails to report or to otherwise comply with this
1594 section, as provided herein, shall have no civil or criminal
1595 liability, other than that expressly provided for in this section,



1596 to any person or entity in connection with any failure to report
1597 or to otherwise comply with the requirements of this section.

1598 (4) Anyone who makes a report required by this section or
1599 who testifies or participates in any judicial proceedings arising
1600 from the report or who participates in a required investigation or
1601 evaluation shall be presumed to be acting in good faith and in so
1602 doing shall be immune from liability, civil or criminal, that
1603 might otherwise be incurred or imposed. However, the immunity
1604 provided under this subsection shall not apply to any suspect or
1605 perpetrator of any abuse, neglect or exploitation.

1606 (5) A person who intentionally makes a false report under
1607 the provisions of this section may be found liable in a civil suit
1608 for any actual damages suffered by the person or persons so
1609 reported and for any punitive damages set by the court or jury.

1610 (6) The Executive Director of the Department of Human
1611 Services shall establish a statewide central register of reports
1612 made pursuant to this section. The central register shall be
1613 capable of receiving reports of vulnerable persons in need of
1614 protective services seven (7) days a week, twenty-four (24) hours
1615 a day. To effectuate this purpose, the executive director shall
1616 establish a single toll-free statewide phone number that all
1617 persons may use to report vulnerable persons in need of protective
1618 services, and that all persons authorized by subsection (7) of
1619 this section may use for determining the existence of prior
1620 reports in order to evaluate the condition or circumstances of the



1621 vulnerable person before them. Such oral reports and evidence of
1622 previous reports shall be transmitted to the appropriate county
1623 department of human services. The central register shall include,
1624 but not be limited to, the following information: the name and
1625 identifying information of the individual reported, the county
1626 department of human services responsible for the investigation of
1627 each such report, the names, affiliations and purposes of any
1628 person requesting or receiving information which the executive
1629 director believes might be helpful in the furtherance of the
1630 purposes of this chapter, the name, address, birth date, social
1631 security number of the perpetrator of abuse, neglect and/or
1632 exploitation, and the type of abuse, neglect and/or exploitation
1633 of which there was substantial evidence upon investigation of the
1634 report. The central register shall inform the person making
1635 reports required under this section of his or her right to request
1636 statements from the department as to what action is being taken,
1637 if any.

1638 Each person, business, organization or other entity, whether
1639 public or private, operated for profit, operated for nonprofit or
1640 a voluntary unit of government not responsible for law enforcement
1641 providing care, supervision or treatment of vulnerable persons
1642 shall conduct criminal history records checks on each new employee
1643 of the entity who provides, and/or would provide direct patient
1644 care or services to adults or vulnerable persons, as provided in
1645 Section 43-11-13.



1646 The department shall not release data that would be harmful
1647 or detrimental to the vulnerable person or that would identify or
1648 locate a person who, in good faith, made a report or cooperated in
1649 a subsequent investigation unless ordered to do so by a court of
1650 competent jurisdiction.

1651 (7) Reports made pursuant to this section, reports written
1652 or photographs taken concerning such reports in the possession of
1653 the Department of Human Services or the county department of human
1654 services shall be confidential and shall only be made available
1655 to:

1656 (a) A physician who has before him a vulnerable person
1657 whom he reasonably suspects may be abused, neglected or exploited,
1658 as defined in Section 43-47-5;

1659 (b) A duly authorized agency having the responsibility
1660 for the care or supervision of a subject of the report;

1661 (c) A grand jury or a court of competent jurisdiction,
1662 upon finding that the information in the record is necessary for
1663 the determination of charges before the grand jury;

1664 (d) A district attorney or other law enforcement
1665 official.

1666 Notwithstanding the provisions of paragraph (b) of this
1667 subsection, the department may not disclose a report of the
1668 abandonment, exploitation, abuse, neglect or self-neglect of a
1669 vulnerable person to the vulnerable person's guardian,
1670 attorney-in-fact, surrogate decision maker, or caregiver who is a



1671 perpetrator or alleged perpetrator of the abandonment,
1672 exploitation, abuse or neglect of the vulnerable person.

1673 Any person given access to the names or other information
1674 identifying the subject of the report, except the subject of the
1675 report, shall not divulge or make public such identifying
1676 information unless he is a district attorney or other law
1677 enforcement official and the purpose is to initiate court action.
1678 Any person who willfully permits the release of any data or
1679 information obtained pursuant to this section to persons or
1680 agencies not permitted to such access by this section shall be
1681 guilty of a misdemeanor.

1682 (8) Upon reasonable cause to believe that a caretaker or
1683 other person has abused, neglected or exploited a vulnerable
1684 person, the department shall promptly notify the district attorney
1685 of the county in which the vulnerable person is located and the
1686 Office of the Attorney General, except as provided in Section
1687 43-47-37(2).

1688 **SECTION 14.** This act shall take effect and be in force from
1689 and after July 1, 2019.

