

By: Representative Crawford

To: Education

HOUSE BILL NO. 1074  
(As Passed the House)

1 AN ACT TO AMEND SECTION 37-11-29, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THAT REPORTS OF UNLAWFUL ACTIVITY OCCURRING ON  
3 EDUCATIONAL PROPERTY OR DURING SCHOOL-RELATED ACTIVITIES WHICH A  
4 SCHOOL DISTRICT SUPERINTENDENT IS REQUIRED TO MAKE TO A LOCAL LAW  
5 ENFORCEMENT AGENCY ALSO MUST BE SUBMITTED TO THE STATE DEPARTMENT  
6 OF EDUCATION; TO REQUIRE INCIDENTS OF VIOLENCE AGAINST VULNERABLE  
7 PERSONS THAT OCCUR ON SCHOOL PREMISES BY ANOTHER STUDENT OR SCHOOL  
8 EMPLOYEE TO BE REPORTED TO LOCAL LAW ENFORCEMENT AND THE STATE AND  
9 TO THE STATE DEPARTMENT OF EDUCATION; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 37-11-29, Mississippi Code of 1972, is  
12 amended as follows:

13 37-11-29. (1) Any principal, teacher or other school  
14 employee who has knowledge of any unlawful activity which occurred  
15 on educational property or during a school related activity or  
16 which may have occurred shall report such activity to the  
17 superintendent of the school district or his designee who shall  
18 notify the appropriate law enforcement officials and the State  
19 Department of Education as required by this section. In the event  
20 of an emergency or if the superintendent or his designee is



21 unavailable, any principal may make a report required under this  
22 subsection.

23 (2) Whenever any person who shall be an enrolled student in  
24 any school or educational institution in this state supported in  
25 whole or in part by public funds, or who shall be an enrolled  
26 student in any private school or educational institution, is  
27 arrested for, and lawfully charged with, the commission of any  
28 crime and convicted upon the charge for which he was arrested, or  
29 convicted of any crime charged against him after his arrest and  
30 before trial, the office or law enforcement department of which  
31 the arresting officer is a member, and the justice court judge and  
32 any circuit judge or court before whom such student is tried  
33 upon \* \* \* the charge or charges, shall make or cause to be made a  
34 report thereof to the superintendent or the president or  
35 chancellor, as the case may be, of the school district or other  
36 educational institution in which such student is enrolled.

37 If the charge upon which such student was arrested, or any  
38 other charges preferred against him are dismissed or nol prossed,  
39 or if upon trial he is either convicted or acquitted of such  
40 charge or charges, same shall be reported to \* \* \* the respective  
41 superintendent or president, or chancellor, as the case may be. A  
42 copy of \* \* \* the report shall be sent to the State Department of  
43 Education or the Secretary of the Board of Trustees of State  
44 Institutions of Higher Learning of the State of Mississippi, \* \* \*  
45 as the case may be.



46           \* \* \* The report shall be made within one (1) week after the  
47 arrest of such student and within one (1) week after any charge  
48 placed against him is dismissed or nol prossed, and within one (1)  
49 week after he shall have pled guilty, been convicted, or have been  
50 acquitted by trial upon any charge placed against him. This  
51 section shall not apply to ordinary traffic violations involving a  
52 penalty of less than Fifty Dollars (\$50.00) and costs.

53           The State Superintendent of Public Education shall gather  
54 annually all of the reports provided under this section and  
55 prepare a report on the number of students arrested as a result of  
56 any unlawful activity which occurred on educational property or  
57 during a school related activity. All data must be disaggregated  
58 by race, ethnicity, gender, school, offense and law enforcement  
59 agency involved. However, the report prepared by the State  
60 Superintendent of Public Education shall not include the identity  
61 of any student who was arrested.

62           On or before January 1 of each year, the State Superintendent  
63 of Public Education shall report to the Governor, the Lieutenant  
64 Governor, the Speaker of the House of Representatives and the  
65 Joint PEER Committee on this section. The report must include  
66 data regarding arrests as a result of any unlawful activity which  
67 occurred on educational property or during a school related  
68 activity.

69           (3) When the superintendent or his designee has a reasonable  
70 belief that an act has occurred on educational property or during



71 a school related activity involving any of the offenses set forth  
72 in subsection (6) of this section, the superintendent or his  
73 designee shall immediately report the act to the appropriate local  
74 law enforcement agency and the State Department of Education. For  
75 purposes of this subsection, "school property" shall include any  
76 public school building, bus, public school campus, grounds,  
77 recreational area or athletic field in the charge of the  
78 superintendent. The State Board of Education shall prescribe a  
79 form for making reports required under this subsection. Any  
80 superintendent or his designee who fails to make a report required  
81 by this section shall be subject to the penalties provided in  
82 Section 37-11-35.

83 (4) The law enforcement authority shall immediately dispatch  
84 an officer to the educational institution and with probable cause  
85 the officer is authorized to make an arrest if necessary as  
86 provided in Section 99-3-7.

87 (5) Any superintendent, principal, teacher or other school  
88 personnel participating in the making of a required report  
89 pursuant to this section or participating in any judicial  
90 proceeding resulting therefrom shall be presumed to be acting in  
91 good faith. Any person reporting in good faith shall be immune  
92 from any civil liability that might otherwise be incurred or  
93 imposed.

94 (6) For purposes of this section, "unlawful activity" means  
95 any of the following:



96 (a) Possession or use of a deadly weapon, as defined in  
97 Section 97-37-1;

98 (b) Possession, sale or use of any controlled  
99 substance;

100 (c) Aggravated assault, as defined in Section 97-3-7;

101 (d) Simple assault, as defined in Section 97-3-7, upon  
102 any school employee;

103 (e) Rape, as defined under Mississippi law;

104 (f) Sexual battery, as defined under Mississippi law;

105 (g) Murder, as defined under Mississippi law;

106 (h) Kidnapping, as defined under Mississippi law; \* \* \*

107 (i) Fondling, touching, handling, etc., a child for  
108 lustful purposes, as defined in Section 97-5-23 \* \* \*;

109 (j) The brutal treatment of a pupil or abuse of a  
110 vulnerable student or exceptional child by another student or  
111 employee of the school or district, or the failure of a  
112 superintendent or principal to report the brutal treatment of a  
113 pupil or abuse of a vulnerable student or exceptional child by  
114 another student or employee of the school or district to the  
115 appropriate authority as required under Section 43-21-353.

116 **SECTION 2.** This act shall take effect and be in force from  
117 and after July 1, 2019.

