

**Adopted
SUBSTITUTE NO 1 FOR COMMITTEE AMENDMENT NO 1 PROPOSED
TO**

House Bill No. 571

BY: Senator(s) Doty

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

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



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

86 43-15-13. (1) For purposes of this section, "children"
87 means persons found within the state who are under the age of
88 twenty-one (21) years, and who were placed in the custody of the
89 Department of Child Protection Services by the youth court of the
90 appropriate county. For purposes of this chapter, "commercial
91 sexual exploitation" means any sexual act or crime of a sexual
92 nature, which is committed against a child for financial or
93 economic gain, to obtain a thing of value, for quid pro quo
94 exchange of property or any other purpose.

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

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

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

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



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

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

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

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



134 (3) The Department of Child Protection Services shall
135 administer a system of individualized plans * * *, reviews and
136 reports once every six (6) months for each child under its custody
137 within the State of Mississippi, which document each child who has
138 been adjudged a neglected, abandoned or abused child, including a
139 child alleged to have experienced commercial sexual exploitation
140 and/or human trafficking and whose custody was changed by court
141 order as a result of that adjudication, and each public or private
142 facility licensed by the department. The Department of Child
143 Protection Services' administrative review shall be completed on
144 each child within the first three (3) months and a relative
145 placement, fictive kin placement, or foster care review once every
146 six (6) months after the child's initial forty-eight-hour shelter
147 hearing. That system shall be for the purpose of enhancing
148 potential family life for the child by the development of
149 individual plans to return the child to the child's natural parent
150 or parents, or to refer the child to the appropriate court for
151 termination of parental rights and placement in a permanent
152 relative's home, adoptive home or foster/adoptive home. The goal
153 of the Department of Child Protection Services shall be to return
154 the child to the child's natural parent(s) or refer the child to
155 the appropriate court for termination of parental rights and
156 placement in a permanent relative's home, adoptive home or
157 foster/adoptive home within the time periods specified in this
158 subsection or in subsection (4) of this section. In furthering



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



184 (a) The child is being cared for by a relative; and/or
185 (b) The department has documented compelling and
186 extraordinary reasons why termination of parental rights would not
187 be in the best interests of the child. Before granting or denying
188 a request by the department for an extension of time for filing a
189 termination of parental rights action, the court shall receive a
190 written report on the progress which a parent of the child has
191 made in treatment, to be made to the court in writing by a mental
192 health/substance abuse therapist or counselor.

193 (4) In the case of any child who is placed in foster care on
194 or after July 1, 1998, except in cases of aggravated circumstances
195 prescribed in Section 43-21-603(7)(c), the child's natural
196 parent(s) will have a reasonable time to be determined by the
197 court, which shall not exceed a six-month period of time, in which
198 to meet the service agreement with the department for the benefit
199 of the child unless the department has documented extraordinary
200 and compelling reasons for extending the time period in the best
201 interest of the child. If this agreement has not been
202 satisfactorily met, simultaneously the child will be referred to
203 the appropriate court for termination of parental rights and
204 placement in a permanent relative's home, adoptive home or a
205 foster/adoptive home. For children under the age of three (3)
206 years, termination of parental rights shall be initiated within
207 six (6) months, unless the department has documented compelling
208 and extraordinary circumstances, and placement in a permanent



209 relative's home, adoptive home or foster/adoptive home within two
210 (2) months. For children who have been abandoned under the
211 provisions of Section 97-5-1, termination of parental rights shall
212 be initiated within thirty (30) days and placement in an adoptive
213 home shall be initiated without necessity for placement in a
214 foster home. The department need not initiate termination of
215 parental rights proceedings where the child has been placed in
216 durable legal custody, durable legal relative guardianship, or
217 long-term or formalized foster care by a court of competent
218 jurisdiction.

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

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

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

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

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



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

236 (f) Relevant testimony and recommendations from the
237 foster parent of the child, the grandparents of the child, the
238 guardian ad litem of the child, when appointed, the
239 Court-Appointed Special Advocate (CASA) of the child,
240 representatives of any private care agency that has cared for the
241 child, the family protection worker or family protection
242 specialist assigned to the case, and any other relevant testimony
243 pertaining to the case.

244 Each child's review plan once every six (6) months shall be
245 filed with the court which awarded custody and shall be made
246 available to natural parents or foster parents upon approval of
247 the court. The court shall make a finding as to the degree of
248 compliance by the agency and the parent(s) with the child's social
249 service plan. The court also shall find that the child's health
250 and safety are the paramount concern. In the interest of the
251 child, the court shall, where appropriate, initiate proceedings on
252 its own motion. The Department of Child Protection Services shall
253 report to the Legislature as to the number of those children, the
254 findings of the foster care review board and relevant statistical
255 information in foster care in a semiannual report to the
256 Legislature to be submitted to the Joint Oversight Committee of



257 the Department of Child Protection Services. The report shall not
258 refer to the specific name of any child in foster care.

259 (6) (a) The Department of Child Protection Services, with
260 the cooperation and assistance of the State Department of Health,
261 shall develop and implement a training program for foster care
262 parents to indoctrinate them as to their proper responsibilities
263 upon a child's entry into their foster care. The program shall
264 provide a minimum of twelve (12) clock hours of training, which
265 shall include training foster care parents about providing mental
266 and physical support to children who have experienced commercial
267 sexual exploitation or human trafficking. The foster care
268 training program shall be satisfactorily completed by such foster
269 care parents before or within ninety (90) days after child
270 placement with the parent. Record of the foster care parent's
271 training program participation shall be filed with the court as
272 part of a child's foster care review plan once every six (6)
273 months.

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

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

280 (7) When the Department of Child Protection Services is
281 considering placement of a child in a foster home and when the



282 department deems it to be in the best interest of the child, the
283 department shall give first priority to placing the child in the
284 home of one (1) of the child's relatives within the third degree,
285 as computed by the civil law rule.

286 (a) In placing the child in a relative's home, the
287 department may waive any rule, regulation or policy applicable to
288 placement in foster care that would otherwise require the child to
289 have a separate bed or bedroom or have a bedroom of a certain
290 size, if placing the child in a relative's home would be in the
291 best interest of the child and those requirements cannot be met in
292 the relative's home.

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

295 (8) The Legislature recognizes that the best interests of
296 the child require that the child be placed in the most permanent
297 living arrangement as soon as is practicably possible. To achieve
298 this goal, the Department of Child Protection Services is directed
299 to conduct concurrent planning so that a permanent living
300 arrangement may occur at the earliest opportunity. Permanent
301 living arrangements may include prevention of placement of a child
302 outside the home of the family when the child can be cared for at
303 home without endangering the child's health or safety;
304 reunification with the family, when safe and appropriate, if
305 temporary placement is necessary; or movement of the child toward
306 the most permanent living arrangement and permanent legal status.



307 When a child is placed in foster care or relative care, the
308 department shall first ensure and document that reasonable
309 efforts, as defined in Section 43-21-105, were made to prevent or
310 eliminate the need to remove the child from the child's home. The
311 department's first priority shall be to make reasonable efforts to
312 reunify the family when temporary placement of the child occurs or
313 shall request a finding from the court that reasonable efforts are
314 not appropriate or have been unsuccessful. A decision to place a
315 child in foster care or relative care shall be made with
316 consideration of the child's health, safety and best interests.
317 At the time of placement, consideration should also be given so
318 that if reunification fails or is delayed, the placement made is
319 the best available placement to provide a permanent living
320 arrangement for the child. The department shall adopt rules
321 addressing concurrent planning for reunification and a permanent
322 living arrangement. The department shall consider the following
323 factors when determining appropriateness of concurrent planning:
324 (a) The likelihood of prompt reunification;
325 (b) The past history of the family;
326 (c) The barriers to reunification being addressed by
327 the family;
328 (d) The level of cooperation of the family;
329 (e) The foster parents' willingness to work with the
330 family to reunite;



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

334 (g) The age of the child; and

335 (h) Placement of siblings.

336 (9) If the department has placed a child in foster care or
337 relative care under a court order, the department may not change
338 the child's placement unless the department specifically documents
339 to the court that the current placement is unsafe or unsuitable or
340 that another placement is in the child's best interests unless the
341 new placement is in an adoptive home or other permanent placement.
342 Except in emergency circumstances as determined by the department
343 or where the court orders placement of the child under Section
344 43-21-303, the foster parents, grandparents or other relatives of
345 the child shall be given an opportunity to contest the specific
346 reasons documented by the department at least seventy-two (72)
347 hours before any such departure, and the court may conduct a
348 review of that placement unless the new placement is in an
349 adoptive home or other permanent placement. When a child is
350 returned to foster care or relative care, the former foster
351 parents or relative placement shall be given the prior right of
352 return placement in order to eliminate additional trauma to the
353 child.

354 (10) The Department of Child Protection Services shall
355 provide the foster parents, grandparents or other relatives with



356 at least a seventy-two-hour notice of departure for any child
357 placed in their foster care or relative care, except in emergency
358 circumstances as determined by the department or where the court
359 orders placement of the child under Section 43-21-303. The
360 parent/legal guardian, grandparents of the child, guardian ad
361 litem and the court exercising jurisdiction shall be notified in
362 writing when the child leaves foster care or relative care
363 placement, regardless of whether the child's departure was planned
364 or unplanned. The only exceptions to giving a written notice to
365 the parent(s) are when a parent has voluntarily released the child
366 for adoption or the parent's legal rights to the child have been
367 terminated through the appropriate court with jurisdiction.

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

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

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

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



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

385 (i) Pertinent information about the child and the
386 birth family;

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

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

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

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

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

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

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



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

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

414 (a) Understanding the department's function in regard
415 to the foster care and relative care program and related social
416 service programs;

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

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

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

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

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



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

434 (h) Cooperating with any plan to reunite the child with
435 his birth family and work with the birth family to achieve this
436 goal; and

437 (i) Attending dispositional review hearings and
438 termination of parental rights hearings conducted by a court of
439 competent jurisdiction, or providing their recommendations to the
440 court in writing.

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

443 43-15-51. (1) The district attorneys * * *, the Department
444 of Human Services or the Department of Child Protection Services
445 may initiate formal cooperative agreements with the appropriate
446 agencies to create multidisciplinary child protection teams in
447 order to implement a coordinated multidisciplinary team approach
448 to intervention in reports involving alleged commercial sexual
449 exploitation, human trafficking, or severe or potential felony
450 child physical or sexual abuse, exploitation, or maltreatment.
451 The multidisciplinary team also may be known as a child abuse task
452 force. The purpose of the team or task force shall be to assist
453 in the evaluation and investigation of reports and to provide
454 consultation and coordination for agencies involved in child



455 protection cases. The agencies to be included as members of the
456 multidisciplinary team are: the district attorney's office, city
457 and county law enforcement agencies, county attorneys, youth court
458 prosecutors, the Human Trafficking Coordinator or his or her
459 designee and other agencies as appropriate. The Department of
460 Child Protection Services shall be included as a member of the
461 multidisciplinary team if the department does not initiate
462 creation of the team.

463 (2) To implement the multidisciplinary child abuse team, the
464 team or task force must be authorized by court order from the
465 appropriate youth court. The court order will designate which
466 agencies will participate in the cooperative multidisciplinary
467 team.

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



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

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

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



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

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

511 97-3-54.1. (1) (a) A person who coerces, recruits,
512 entices, harbors, transports, provides or obtains by any means, or
513 attempts to coerce, recruit, entice, harbor, transport, provide or
514 obtain by any means, another person, intending or knowing that the
515 person will be subjected to forced labor or services, or who
516 benefits, whether financially or by receiving anything of value
517 from participating in an enterprise that he knows or reasonably
518 should have known has engaged in such acts, shall be guilty of the
519 crime of human trafficking.

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

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



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

546 (2) If the victim is not a minor, a person who is convicted
547 of an offense set forth in subsection (1)(a) or (b) of this
548 section shall be committed to the custody of the Department of
549 Corrections for not less than two (2) years nor more than twenty
550 (20) years, or by a fine of not less than Ten Thousand Dollars
551 (\$10,000.00) nor more than One Hundred Thousand Dollars
552 (\$100,000.00), or both. If the victim of the offense is a minor,
553 a person who is convicted of an offense set forth in subsection



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

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

561 (a) An agent of the enterprise knowingly engages in
562 conduct that constitutes an offense under this chapter while
563 acting within the scope of employment and for the benefit of the
564 entity.

565 (b) An employee of the enterprise engages in conduct
566 that constitutes an offense under this chapter and the commission
567 of the offense was part of a pattern of illegal activity for the
568 benefit of the enterprise, which an agent of the enterprise either
569 knew was occurring or recklessly disregarded, and the agent failed
570 to take effective action to stop the illegal activity.

571 (c) It is an affirmative defense to a prosecution of an
572 enterprise that the enterprise had in place adequate procedures,
573 including an effective complaint procedure, designed to prevent
574 persons associated with the enterprise from engaging in the
575 unlawful conduct and to promptly correct any violations of this
576 chapter.

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



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

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



604 victim of trafficking shall not be liable for criminal activity in
605 violation of this section.

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

608 (a) Is a victim; and

609 (b) Committed the offense under a reasonable
610 apprehension created by a person that, if the defendant did not
611 commit the act, the person would inflict serious harm on the
612 defendant, a member of the defendant's family, or a close
613 associate.

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

616 43-21-353. (1) Any attorney, physician, dentist, intern,
617 resident, nurse, psychologist, social worker, family protection
618 worker, family protection specialist, child caregiver, minister,
619 law enforcement officer, public or private school employee or any
620 other person having reasonable cause to suspect that a child is a
621 neglected child, * * * an abused child, a victim of commercial
622 sexual exploitation or human trafficking shall cause an oral
623 report to be made immediately by telephone or otherwise and
624 followed as soon thereafter as possible by a report in writing to
625 the Department of Child Protection Services * * * and immediately
626 a referral shall be made by the Department of Child Protection
627 Services * * * to the youth court intake unit, which unit shall
628 promptly comply with Section 43-21-357. In the course of an



629 investigation, at the initial time of contact with the
630 individual(s) about whom a report has been made under this Youth
631 Court Act or with the individual(s) responsible for the health or
632 welfare of a child about whom a report has been made under this
633 chapter, the Department of Child Protection Services * * * shall
634 inform the individual of the specific complaints or allegations
635 made against the individual. Consistent with subsection (4), the
636 identity of the person who reported his or her suspicion shall not
637 be disclosed. Where appropriate, the Department of Child
638 Protection Services * * * shall additionally make a referral to
639 the youth court prosecutor.

640 Upon receiving a report that a child has been sexually
641 abused, or a victim of commercial sexual exploitation or human
642 trafficking, or burned, tortured, mutilated, or otherwise
643 physically abused in such a manner as to cause serious bodily
644 harm, or upon receiving any report of abuse that would be a felony
645 under state or federal law, the department * * * shall immediately
646 notify the law enforcement agency in whose jurisdiction the abuse
647 occurred. * * * Within forty-eight (48) hours, the department
648 shall notify the appropriate prosecutor * * * and the Statewide
649 Human Trafficking Coordinator. The department * * * shall have
650 the duty to provide the law enforcement agency all the names and
651 facts known at the time of the report; this duty shall be of a
652 continuing nature. The law enforcement agency and the
653 department * * * shall investigate the reported abuse immediately



654 and shall file a preliminary report with the appropriate
655 prosecutor's office within twenty-four (24) hours and shall make
656 additional reports as new or additional information or evidence
657 becomes available. The department * * * shall advise the clerk of
658 the youth court and the youth court prosecutor of all cases of
659 abuse reported to the department within seventy-two (72) hours and
660 shall update such report as information becomes available.

661 (2) Any report * * * shall contain the names and addresses
662 of the child and his parents or other persons responsible for his
663 care, if known, the child's age, the nature and extent of the
664 child's injuries, including any evidence of previous
665 injuries * * *, any other information that might be helpful in
666 establishing the cause of the injury, and the identity of the
667 perpetrator.

668 (3) The Department of Child Protection Services * * * shall
669 maintain a statewide incoming wide-area telephone service or
670 similar service for the purpose of receiving reports of suspected
671 cases of child abuse, commercial sexual exploitation or human
672 trafficking; provided that any attorney, physician, dentist,
673 intern, resident, nurse, psychologist, social worker, family
674 protection worker, family protection specialist, child caregiver,
675 minister, law enforcement officer or public or private school
676 employee who is required to report under subsection (1) of this
677 section shall report in the manner required in subsection (1).



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

699 (5) All final dispositions of law enforcement investigations
700 described in subsection (1) of this section shall be determined
701 only by the appropriate prosecutor or court. All final
702 dispositions of investigations by the Department of Child



703 Protection Services * * * as described in subsection (1) of this
704 section shall be determined only by the youth court. Reports made
705 under subsection (1) of this section by the Department of Child
706 Protection Services * * * to the law enforcement agency and to the
707 district attorney's office shall include the following, if known
708 to the department:

- 709 (a) The name and address of the child;
- 710 (b) The names and addresses of the parents;
- 711 (c) The name and address of the suspected perpetrator;
- 712 (d) The names and addresses of all witnesses, including
713 the reporting party if a material witness to the abuse;
- 714 (e) A brief statement of the facts indicating that the
715 child has been abused, including whether the child experienced
716 commercial sexual exploitation or human trafficking, and any other
717 information from the agency files or known to the family
718 protection worker or family protection specialist making the
719 investigation, including medical records or other records, which
720 may assist law enforcement or the district attorney in
721 investigating and/or prosecuting the case; and
- 722 (f) What, if any, action is being taken by the
723 Department of Child Protection Services * * *.

724 (6) In any investigation of a report made under this chapter
725 of the abuse or neglect of a child as defined in Section
726 43-21-105(1) or (m), the Department of Child Protection
727 Services * * * may request the appropriate law enforcement officer



728 with jurisdiction to accompany the department in its
729 investigation, and in such cases the law enforcement officer shall
730 comply with such request.

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

735 (8) If a report is made directly to the Department of Child
736 Protection Services * * * that a child has been abused or
737 neglected or experienced commercial sexual exploitation or human
738 trafficking in an out-of-home setting, a referral shall be made
739 immediately to the law enforcement agency in whose jurisdiction
740 the abuse occurred and the department shall notify the district
741 attorney's office and Statewide Human Trafficking Coordinator
742 within forty-eight (48) hours of such report. The Department of
743 Child Protection Services * * * shall investigate the out-of-home
744 setting report of abuse or neglect to determine whether the child
745 who is the subject of the report, or other children in the same
746 environment, comes within the jurisdiction of the youth court and
747 shall report to the youth court the department's findings and
748 recommendation as to whether the child who is the subject of the
749 report or other children in the same environment require the
750 protection of the youth court. The law enforcement agency shall
751 investigate the reported abuse immediately and shall file a
752 preliminary report with the district attorney's office within



753 forty-eight (48) hours and shall make additional reports as new
754 information or evidence becomes available. If the out-of-home
755 setting is a licensed facility, an additional referral shall be
756 made by the Department of Child Protection Services * * * to the
757 licensing agency. The licensing agency shall investigate the
758 report and shall provide the department * * *, the law enforcement
759 agency and the district attorney's office with their written
760 findings from such investigation as well as that licensing
761 agency's recommendations and actions taken.

762 (9) If a child protective investigation does not result in
763 an out-of-home placement, a child protective investigator must
764 provide information to the parent or guardians about community
765 service programs that provide respite care, counseling and support
766 for children who have experienced commercial sexual exploitation
767 or human trafficking, voluntary guardianship or other support
768 services for families in crisis.

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

771 43-21-105. The following words and phrases, for purposes of
772 this chapter, shall have the meanings ascribed herein unless the
773 context clearly otherwise requires:

- 774 (a) "Youth court" means the Youth Court Division.
775 (b) "Judge" means the judge of the Youth Court
776 Division.



777 (c) "Designee" means any person that the judge appoints
778 to perform a duty which this chapter requires to be done by the
779 judge or his designee. The judge may not appoint a person who is
780 involved in law enforcement or who is an employee of the
781 Mississippi Department of Human Services or the Mississippi
782 Department of Child Protection Services to be his designee.

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

788 (e) "Parent" means the father or mother to whom the
789 child has been born, or the father or mother by whom the child has
790 been legally adopted.

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

793 (g) "Custodian" means any person having the present
794 care or custody of a child whether such person be a parent or
795 otherwise.

796 (h) "Legal custodian" means a court-appointed custodian
797 of the child.

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

800 (j) "Delinquent act" is any act, which if committed by
801 an adult, is designated as a crime under state or federal law, or



802 municipal or county ordinance other than offenses punishable by
803 life imprisonment or death. A delinquent act includes escape from
804 lawful detention and violations of the Uniform Controlled
805 Substances Law and violent behavior.

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

809 (i) Is habitually disobedient of reasonable and
810 lawful commands of his parent, guardian or custodian and is
811 ungovernable; or

812 (ii) While being required to attend school,
813 willfully and habitually violates the rules thereof or willfully
814 and habitually absents himself therefrom; or

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

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

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

818 (i) Whose parent, guardian or custodian or any
819 person responsible for his care or support, neglects or refuses,
820 when able so to do, to provide for him proper and necessary care
821 or support, or education as required by law, or medical, surgical,
822 or other care necessary for his well-being; however, a parent who
823 withholds medical treatment from any child who in good faith is
824 under treatment by spiritual means alone through prayer in
825 accordance with the tenets and practices of a recognized church or
826 religious denomination by a duly accredited practitioner thereof



827 shall not, for that reason alone, be considered to be neglectful
828 under any provision of this chapter; or

829 (ii) Who is otherwise without proper care,
830 custody, supervision or support; or

831 (iii) Who, for any reason, lacks the special care
832 made necessary for him by reason of his mental condition, whether
833 the mental condition is having mental illness or having an
834 intellectual disability; or

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

837 (m) "Abused child" means a child whose parent, guardian
838 or custodian or any person responsible for his care or support,
839 whether legally obligated to do so or not, has caused or allowed
840 to be caused, upon the child, sexual abuse, sexual exploitation,
841 commercial sexual exploitation, emotional abuse, mental injury,
842 nonaccidental physical injury or other maltreatment. However,
843 physical discipline, including spanking, performed on a child by a
844 parent, guardian or custodian in a reasonable manner shall not be
845 deemed abuse under this section. "Abused child" also means a
846 child who is or has been trafficked within the meaning of the
847 Mississippi Human Trafficking Act by any person, without regard to
848 the relationship of the person to the child.

849 (n) "Sexual abuse" means obscene or pornographic
850 photographing, filming or depiction of children for commercial
851 purposes, or the rape, molestation, incest, prostitution or other



852 such forms of sexual exploitation of children under circumstances
853 which indicate that the child's health or welfare is harmed or
854 threatened.

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

859 (p) A "dependent child" means any child who is not a
860 child in need of supervision, a delinquent child, an abused child
861 or a neglected child, and which child has been voluntarily placed
862 in the custody of the Department of * * * Child Protection
863 Services by his parent, guardian or custodian.

864 (q) "Custody" means the physical possession of the
865 child by any person.

866 (r) "Legal custody" means the legal status created by a
867 court order which gives the legal custodian the responsibilities
868 of physical possession of the child and the duty to provide him
869 with food, shelter, education and reasonable medical care, all
870 subject to residual rights and responsibilities of the parent or
871 guardian of the person.

872 (s) "Detention" means the care of children in
873 physically restrictive facilities.

874 (t) "Shelter" means care of children in physically
875 nonrestrictive facilities.



876 (u) "Records involving children" means any of the
877 following from which the child can be identified:
878 (i) All youth court records as defined in Section
879 43-21-251;
880 (ii) All social records as defined in Section
881 43-21-253;
882 (iii) All law enforcement records as defined in
883 Section 43-21-255;
884 (iv) All agency records as defined in Section
885 43-21-257; and
886 (v) All other documents maintained by any
887 representative of the state, county, municipality or other public
888 agency insofar as they relate to the apprehension, custody,
889 adjudication or disposition of a child who is the subject of a
890 youth court cause.

891 (v) "Any person responsible for care or support" means
892 the person who is providing for the child at a given time. This
893 term shall include, but is not limited to, stepparents, foster
894 parents, relatives, nonlicensed babysitters or other similar
895 persons responsible for a child and staff of residential care
896 facilities and group homes that are licensed by the Department of
897 Human Services or Department of Child Protection Services.

898 (w) The singular includes the plural, the plural the
899 singular and the masculine the feminine when consistent with the
900 intent of this chapter.



901 (x) "Out-of-home" setting means the temporary
902 supervision or care of children by the staff of licensed day care
903 centers, the staff of public, private and state schools, the staff
904 of juvenile detention facilities, the staff of unlicensed
905 residential care facilities and group homes and the staff of, or
906 individuals representing, churches, civic or social organizations.

907 (y) "Durable legal custody" means the legal status
908 created by a court order which gives the durable legal custodian
909 the responsibilities of physical possession of the child and the
910 duty to provide him with care, nurture, welfare, food, shelter,
911 education and reasonable medical care. All these duties as
912 enumerated are subject to the residual rights and responsibilities
913 of the natural parent(s) or guardian(s) of the child or children.

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

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

919 (bb) "Assessment" means an individualized examination
920 of a child to determine the child's psychosocial needs and
921 problems, including the type and extent of any mental health,
922 substance abuse or co-occurring mental health and substance abuse
923 disorders and recommendations for treatment. The term includes,
924 but is not limited to, a drug and alcohol, psychological or



925 psychiatric evaluation, records review, clinical interview or the
926 administration of a formal test and instrument.

927 (cc) "Screening" means a process, with or without the
928 administration of a formal instrument, that is designed to
929 identify a child who is at increased risk of having mental health,
930 substance abuse or co-occurring mental health and substance abuse
931 disorders that warrant immediate attention, intervention or more
932 comprehensive assessment.

933 (dd) "Durable legal relative guardianship" means the
934 legal status created by a youth court order that conveys the
935 physical and legal custody of a child or children by durable legal
936 guardianship to a relative or fictive kin who is licensed as a
937 foster or resource parent.

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

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

944 (gg) "Reasonable efforts" means the exercise of
945 reasonable care and due diligence by the Department of Human
946 Services, the Department of Child Protection Services, or any
947 other appropriate entity or person to use appropriate and
948 available services to prevent the unnecessary removal of the child



949 from the home or provide other services related to meeting the
950 needs of the child and the parents.

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

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

957 97-5-51. (1) **Definitions.** For the purposes of this
958 section:

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

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

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

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

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

969 (v) Section 97-5-41 relating to the carnal
970 knowledge of a stepchild, adopted child or child of a cohabiting
971 partner;

972 (vi) Section 97-5-33 relating to exploitation of
973 children;



974 (vii) Section 97-3-54.1(1)(c) relating to
975 procuring sexual servitude of a minor;
976 (viii) Section 43-47-18 relating to sexual abuse
977 of a vulnerable person;
978 (ix) Section 97-1-7 relating to the attempt to
979 commit any of the offenses listed in this subsection * * *;
980 (x) Section 97-29-51 relating to procuring sexual
981 services of a minor; and
982 (xi) Section 43-47-18 and Section 43-47-19
983 relating to sexual battery abuse of a vulnerable person who is a
984 minor.

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

989 (c) "Health care practitioner" means any individual who
990 provides health care services, including a physician, surgeon,
991 physical therapist, psychiatrist, psychologist, medical resident,
992 medical intern, hospital staff member, licensed nurse, midwife and
993 emergency medical technician or paramedic.

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

996 (e) "Teaching or child care provider" means anyone who
997 provides training or supervision of a minor under the age of
998 sixteen (16), including a teacher, teacher's aide, principal or



999 staff member of a public or private school, social worker,
1000 probation officer, foster home parent, group home or other child
1001 care institutional staff member, personnel of residential home
1002 facilities, a licensed or unlicensed day care provider.

1003 (f) "Commercial image processor" means any person who,
1004 for compensation: (i) develops exposed photographic film into
1005 negatives, slides or prints; (ii) makes prints from negatives or
1006 slides; or (iii) processes or stores digital media or images from
1007 any digital process, including, but not limited to, website
1008 applications, photography, live streaming of video, posting,
1009 creation of power points or any other means of intellectual
1010 property communication or media including conversion or
1011 manipulation of still shots or video into a digital show stored on
1012 a photography site or a media storage site.

1013 (g) "Caretaker" means any person legally obligated to
1014 provide or secure adequate care for a minor under the age of
1015 sixteen (16), including a parent, guardian, tutor, legal custodian
1016 or foster home parent.

1017 (2) (a) **Mandatory reporter requirement.** A mandatory
1018 reporter shall make a report if it would be reasonable for the
1019 mandatory reporter to suspect that a sex crime against a minor has
1020 occurred.

1021 (b) Failure to file a mandatory report shall be
1022 punished as provided in this section.



1023 (c) Reports made under this section and the identity of
1024 the mandatory reporter are confidential except when the court
1025 determines the testimony of the person reporting to be material to
1026 a judicial proceeding or when the identity of the reporter is
1027 released to law enforcement agencies and the appropriate
1028 prosecutor. The identity of the reporting party shall not be
1029 disclosed to anyone other than law enforcement or prosecutors
1030 except under court order; violation of this requirement is a
1031 misdemeanor. Reports made under this section are for the purpose
1032 of criminal investigation and prosecution only and information
1033 from these reports is not a public record. Disclosure of any
1034 information by the prosecutor shall conform to the Mississippi
1035 Uniform Rules of Circuit and County Court Procedure.

1036 (d) Any mandatory reporter who makes a required report
1037 under this section or participates in a judicial proceeding
1038 resulting from a mandatory report shall be presumed to be acting
1039 in good faith. Any person or institution reporting in good faith
1040 shall be immune from any liability, civil or criminal, that might
1041 otherwise be incurred or imposed.

1042 (3) (a) **Mandatory reporting procedure.** A report required
1043 under subsection (2) must be made immediately to the law
1044 enforcement agency in whose jurisdiction the reporter believes the
1045 sex crime against the minor occurred. Except as otherwise
1046 provided in this subsection (3), a mandatory reporter may not



1047 delegate to any other person the responsibility to report, but
1048 shall make the report personally.

1049 (i) The reporting requirement under this
1050 subsection (3) is satisfied if a mandatory reporter in good faith
1051 reports a suspected sex crime against a minor to the Department
1052 of * * * Child Protection Services under Section 43-21-353.

1053 (ii) The reporting requirement under this
1054 subsection (3) is satisfied if a mandatory reporter reports a
1055 suspected sex crime against a minor by following a reporting
1056 procedure that is imposed:

1057 1. By state agency rule as part of licensure
1058 of any person or entity holding a state license to provide
1059 services that include the treatment or education of abused or
1060 neglected children; or

1061 2. By statute.

1062 (b) **Contents of the report.** The report shall identify,
1063 to the extent known to the reporter, the following:

1064 (i) The name and address of the minor victim;

1065 (ii) The name and address of the minor's
1066 caretaker;

1067 (iii) Any other pertinent information known to the
1068 reporter.

1069 (4) A law enforcement officer who receives a mandated report
1070 under this section shall file an affidavit against the offender on
1071 behalf of the State of Mississippi if there is probable cause to



1072 believe that the offender has committed a sex crime against a
1073 minor.

1074 (5) **Collection of forensic samples.** (a) (i) When an
1075 abortion is performed on a minor who is less than fourteen (14)
1076 years of age at the time of the abortion procedure, fetal tissue
1077 extracted during the abortion shall be collected in accordance
1078 with rules and regulations adopted pursuant to this section if it
1079 would be reasonable to suspect that the pregnancy being terminated
1080 is the result of a sex crime against a minor.

1081 (ii) When a minor who is under sixteen (16) years
1082 of age gives birth to an infant, umbilical cord blood shall be
1083 collected, if possible, in accordance with rules and regulations
1084 adopted pursuant to this section if it would be reasonable to
1085 suspect that the minor's pregnancy resulted from a sex crime
1086 against a minor.

1087 (iii) It shall be reasonable to suspect that a sex
1088 crime against a minor has occurred if the mother of an infant was
1089 less than sixteen (16) years of age at the time of conception and
1090 at least one (1) of the following conditions also applies:

1091 1. The mother of the infant will not identify
1092 the father of the infant;

1093 2. The mother of the infant lists the father
1094 of the infant as unknown;

1095 3. The person the mother identifies as the
1096 father of the infant disputes his fatherhood;



1097 4. The person the mother identifies as the
1098 father of the infant is twenty-one (21) years of age or older; or

1099 5. The person the mother identifies as the
1100 father is deceased.

1101 (b) The State Medical Examiner shall adopt rules and
1102 regulations consistent with Section 99-49-1 that prescribe:

1103 (i) The amount and type of fetal tissue or
1104 umbilical cord blood to be collected pursuant to this section;

1105 (ii) Procedures for the proper preservation of the
1106 tissue or blood for the purpose of DNA testing and examination;

1107 (iii) Procedures for documenting the chain of
1108 custody of such tissue or blood for use as evidence;

1109 (iv) Procedures for proper disposal of fetal
1110 tissue or umbilical cord blood collected pursuant to this section;

1111 (v) A uniform reporting instrument mandated to be
1112 utilized, which shall include the complete residence address and
1113 name of the parent or legal guardian of the minor who is the
1114 subject of the report required under this subsection (5); and

1115 (vi) Procedures for communication with law
1116 enforcement agencies regarding evidence and information obtained
1117 pursuant to this section.

1118 (6) **Penalties.** (a) A person who is convicted of a first
1119 offense under this section shall be guilty of a misdemeanor and
1120 fined not more than Five Hundred Dollars (\$500.00).



1121 (b) A person who is convicted of a second offense under
1122 this section shall be guilty of a misdemeanor and fined not more
1123 than One Thousand Dollars (\$1,000.00), or imprisoned for not more
1124 than thirty (30) days, or both.

1125 (c) A person who is convicted of a third or subsequent
1126 offense under this section shall be guilty of a misdemeanor and
1127 fined not more than Five Thousand Dollars (\$5,000.00), or
1128 imprisoned for not more than one (1) year, or both.

1129 (7) A health care practitioner or health care facility shall
1130 be immune from any penalty, civil or criminal, for good-faith
1131 compliance with any rules and regulations adopted pursuant to this
1132 section.

1133 **SECTION 8.** Section 19-5-353, Mississippi Code of 1972, is
1134 amended as follows:

1135 19-5-353. (1) The initial minimum standard of training for
1136 local public safety and 911 telecommunicators shall be determined
1137 by the Board of Emergency Telecommunications Standards and
1138 Training. All courses approved for minimum standards shall be
1139 taught by instructors certified by the course originator as
1140 instructors for such courses.

1141 (2) The minimum standards may be changed at any time by the
1142 Board of Emergency Telecommunications Standards and Training, but
1143 shall always include at least two (2) hours of training related to
1144 handling complaints and/or calls of human trafficking and
1145 commercial sexual exploitation of children as defined in Section



1146 43-21-105, communicating with such victims and requiring the local
1147 public safety and 911 telecommunicators to contact the Department
1148 of Child Protection Services when human trafficking or commercial
1149 sexual exploitation is suspected.

1150 (3) Changes in the minimum standards may be made upon
1151 request from any bona fide public safety, emergency medical or
1152 fire organization operating within the State of Mississippi.
1153 Requests for change shall be in writing submitted to either the
1154 State Law Enforcement Training Academy; the State Fire Academy;
1155 the Mississippi Chapter of the Associated Public Safety
1156 Communications Officers, Incorporated; the Mississippi Chapter of
1157 the National Emergency Number Association; the Mississippi State
1158 Board of Health, Emergency Medical Services Division; the
1159 Mississippi Justice Information Center; the Mississippi Sheriff's
1160 Association; the Mississippi Fire Chief's Association; the
1161 Mississippi Association of Chiefs of Police; or Mississippians for
1162 Emergency Medical Services.

1163 (4) The minimum standards in no way are intended to restrict
1164 or limit any additional training which any department or agency
1165 may wish to employ, or any state or federal required training, but
1166 to serve as a basis or foundation for basic training.

1167 (5) Persons in the employment of any public safety, fire,
1168 911 PSAP or emergency medical agency as a telecommunicator on July
1169 1, 1993, shall have three (3) years to be certified in the minimum



1170 standards courses provided they have been employed by such agency
1171 for a period of more than one (1) year prior to July 1, 1993.

1172 (6) Persons having been employed by any public safety, fire,
1173 911 PSAP or emergency medical agency as a telecommunicator for
1174 less than one (1) year prior to July 1, 1993, shall be required to
1175 have completed all the requirements for minimum training
1176 standards, as set forth in Sections 19-5-351 through 19-5-361,
1177 within one (1) year from July 1, 1993. Persons certified on or
1178 before July 1, 1993, in any course or courses chosen shall be
1179 given credit for these courses, provided the courses are still
1180 current and such persons can provide a course completion
1181 certificate.

1182 (7) Any person hired to perform the duties of a
1183 telecommunicator in any public safety, fire, 911 PSAP or emergency
1184 medical agency after July 1, 1993, shall complete the minimum
1185 training standards as set forth in Sections 19-5-351 through
1186 19-5-361 within twelve (12) months of their employment or within
1187 twelve (12) months from the date that the Board of Emergency
1188 Telecommunications Standards and Training shall become
1189 operational.

1190 (8) Professional certificates remain the property of the
1191 board, and the board reserves the right to either reprimand the
1192 holder of a certificate, suspend a certificate upon conditions
1193 imposed by the board, or cancel and recall any certificate when:

1194 (a) The certificate was issued by administrative error;



1195 (b) The certificate was obtained through
1196 misrepresentation or fraud;

1197 (c) The holder has been convicted of any crime
1198 involving moral turpitude;

1199 (d) The holder has been convicted of a felony; or

1200 (e) Other due cause as determined by the board.

1201 When the board believes there is a reasonable basis for
1202 either the reprimand, suspension, cancellation of, or recalling
1203 the certification of a telecommunicator, notice and opportunity
1204 for a hearing shall be provided. Any telecommunicator aggrieved
1205 by the findings and order of the board may file an appeal with the
1206 chancery court of the county in which such person is employed from
1207 the final order of the board. Any telecommunicator whose
1208 certification has been cancelled pursuant to Sections 19-5-351
1209 through 19-5-361 may reapply for certification but not sooner than
1210 two (2) years after the date on which the order of the board
1211 canceling such certification became final.

1212 (9) Any state agency, political subdivision or "for-profit"
1213 ambulance, security or fire service company that employs a person
1214 as a telecommunicator who does not meet the requirements of
1215 Sections 19-5-351 through 19-5-361, or that employs a person whose
1216 certificate has been suspended or revoked under provisions of
1217 Sections 19-5-351 through 19-5-361, is prohibited from paying the
1218 salary of such person, and any person violating this subsection
1219 shall be personally liable for making such payment.



1220 (10) These minimum standards and time limitations shall in
1221 no way conflict with other state and federal training as may be
1222 required to comply with established laws or regulations.

1223 **SECTION 9.** Section 45-6-7, Mississippi Code of 1972, is
1224 amended as follows:

1225 45-6-7. In addition to the powers conferred upon the board
1226 elsewhere in this chapter, the board shall have power to:

1227 (a) Promulgate rules and regulations for the
1228 administration of this chapter, including the authority to require
1229 the submission of reports and information by law enforcement
1230 agencies of the state and its political subdivisions.

1231 (b) Establish minimum educational and training
1232 standards for admission to employment or appointment as a law
1233 enforcement officer or a part-time law enforcement officer: (i)
1234 in a permanent position; and (ii) in a probationary status. The
1235 minimum educational and training standards for any law enforcement
1236 officer assigned to field or investigative duties shall include at
1237 least two (2) hours of training related to handling complaints of
1238 human trafficking and commercial sexual exploitation of children
1239 as defined in Section 43-21-105, communicating with such victims,
1240 and requiring the officer to contact the Department of Child
1241 Protection Services when human trafficking or commercial sexual
1242 exploitation is suspected.



1243 (c) Certify persons as being qualified under the
1244 provisions of this chapter to be law enforcement officers or
1245 part-time law enforcement officers.

1246 (d) Revoke certification for cause and in the manner
1247 provided in this chapter. The board is authorized to subpoena
1248 documents regarding revocations. The board shall maintain a
1249 current list of all persons certified under this chapter who have
1250 been placed on probation, suspended, subjected to revocation of
1251 certification, or any combination of these.

1252 (e) Establish minimum curriculum requirements for basic
1253 and advanced courses and programs for schools operated by or for
1254 the state or any political subdivision thereof for the specific
1255 purpose of training police and other law enforcement officers,
1256 both full- and part-time, which shall include a minimum of two (2)
1257 hours of training in a course or courses related to the
1258 identification of and support for victims of human trafficking and
1259 commercial sexual exploitation.

1260 (f) Consult and cooperate with counties,
1261 municipalities, state agencies, other governmental agencies, and
1262 with universities, colleges, community and junior colleges and
1263 other institutions concerning the development of training schools,
1264 programs or courses of instruction for personnel defined in this
1265 chapter.

1266 (g) Make recommendations concerning any matter within
1267 its purview pursuant to this chapter.



1268 (h) Make such inspection and evaluation as may be
1269 necessary to determine if governmental units are complying with
1270 the provisions of this chapter.

1271 (i) Approve law enforcement officer training schools
1272 for operation by or for the state or any political subdivision
1273 thereof for the specific purpose of training personnel defined in
1274 this chapter.

1275 (j) Upon the request of agencies employing personnel
1276 defined in this chapter, conduct surveys or aid municipalities and
1277 counties to conduct surveys through qualified public or private
1278 agencies and assist in the implementation of any recommendations
1279 resulting from such surveys.

1280 (k) Upon request of agencies within the purview of this
1281 chapter, conduct general and specific management surveys and
1282 studies of the operations of the requesting agencies at no cost to
1283 those agencies. The role of the board under this subsection shall
1284 be that of management consultant.

1285 (l) Adopt and amend regulations consistent with law,
1286 for its internal management and control of board programs.

1287 (m) Enter into contracts or do such things as may be
1288 necessary and incidental to the administration of this chapter.

1289 (n) Establish jointly with the State Board of Education
1290 the minimum level of basic law enforcement training required of
1291 persons employed by school districts as school security guards, or



1292 school resource officers or in other positions that have the
1293 powers of a peace officer.

1294 **SECTION 10.** Section 43-1-55, Mississippi Code of 1972, is
1295 amended as follows:

1296 43-1-55. (1) The Office of Family and Children's Services
1297 and the Division of Aging and Adult Services shall devise formal
1298 standards for employment as a family protection worker and as a
1299 family protection specialist within their respective offices and
1300 for service delivery designed to measure the quality of services
1301 delivered to clients, as well as the timeliness of services. The
1302 standards shall include at least two (2) hours of training
1303 regarding the subject of identifying, assessing and providing
1304 comprehensive services to a child who has experienced or is
1305 alleged to have experienced commercial sexual exploitation or
1306 human trafficking. For family protection workers, this training
1307 may be included in the four (4) weeks of intensive training
1308 described in paragraph (b) of this subsection. Each family
1309 protection worker and family protection specialist shall be
1310 assessed annually by a supervisor who is a licensed social worker
1311 who is knowledgeable in the standards promulgated. The standards
1312 devised by each office shall be applicable to all family
1313 protection workers and family protection specialists working under
1314 that office.

1315 (2) The Office of Family and Children's Services shall
1316 devise formal standards for family protection workers of the



1317 Department of Human Services who are not licensed social workers.

1318 Those standards shall require that:

1319 (a) In order to be employed as a family protection
1320 worker, a person must have a bachelor's degree in either
1321 psychology, sociology, nursing, family studies, or a related
1322 field, or a graduate degree in either psychology, sociology,
1323 nursing, criminal justice, counseling, marriage and family therapy
1324 or a related field. The determination of what is a related field
1325 shall be made by certification of the State Personnel Board; and

1326 (b) Before a person may provide services as a family
1327 protection worker, the person shall complete four (4) weeks of
1328 intensive training provided by the training unit of the Office of
1329 Family and Children's Services, and shall take and receive a
1330 passing score on the certification test administered by the
1331 training unit upon completion of the four-week training. Upon
1332 receiving a passing score on the certification test, the person
1333 shall be certified as a family protection worker by the Department
1334 of Human Services. Any person who does not receive a passing
1335 score on the certification test shall not be employed or maintain
1336 employment as a family protection worker for the department.
1337 Further, a person, qualified as a family protection worker through
1338 the procedures set forth above, shall not conduct forensic
1339 interviews of children until the worker receives additional
1340 specialized training in child forensic interview protocols and



1341 techniques by a course or curriculum approved by the Department of
1342 Human Services to be not less than forty (40) hours.

1343 (3) For the purpose of providing services in child abuse or
1344 neglect cases, youth court proceedings, vulnerable adults cases,
1345 and such other cases as designated by the Executive Director of
1346 Human Services, the caseworker or service provider shall be a
1347 family protection specialist or a family protection worker whose
1348 work is overseen by a family protection specialist who is a
1349 licensed social worker.

1350 (4) The Department of Human Services and the Office of
1351 Family and Children's Services shall seek to employ and use family
1352 protection specialists to provide the services of the office, and
1353 may employ and use family protection workers to provide those
1354 services only in counties in which there is not a sufficient
1355 number of family protection specialists to adequately provide
1356 those services in the county.

1357 (5) (a) There is created a Training and Testing Advisory
1358 Council to review the department's program of training and testing
1359 of family protection workers and to make recommendations
1360 pertaining to the program to the department. The advisory council
1361 shall be composed of the following ten (10) members: two (2)
1362 employees of the department appointed by the Executive Director of
1363 Human Services, including one (1) representative of the Office of
1364 Family and Children's Services and one (1) representative of the
1365 Division of Aging and Adult Services; the Chairman of the



1366 Consortium of Accredited Schools of Social Work in Mississippi;
1367 and the executive director or a board member of a professional
1368 association or licensing board for each field of study named in
1369 subsection (2) (a) of this section, as follows: the Mississippi
1370 Chapter of the National Association of Social Workers; a marriage
1371 and family therapist who is a member of the Board of Examiners for
1372 Social Workers and Marriage and Family Therapists, to be selected
1373 by the four (4) members of the board of examiners who are marriage
1374 and family therapists; the Mississippi Nurses Association; the
1375 Mississippi Prosecutors Association; the Mississippi Counseling
1376 Association; the Mississippi Psychological Association; and an
1377 officer of the Alabama-Mississippi Sociological Association who is
1378 a Mississippi resident elected by the executive committee of the
1379 association. The executive director of each association
1380 (excluding the Alabama-Mississippi Sociological Association) and
1381 chairman of the consortium may designate an alternate member to
1382 serve in his stead on the advisory council. Members of the
1383 advisory council shall serve without salary or per diem.

1384 (b) A majority of the advisory council members shall
1385 select from their membership a chairperson to preside over
1386 meetings and a vice chairperson to preside in the absence of the
1387 chairperson or when the chairperson is excused. The advisory
1388 council shall adopt procedures governing the manner of conducting
1389 its business. A majority of the members shall constitute a quorum
1390 to do business.



1391 (6) This section and Section 43-27-107, Mississippi Code of
1392 1972, shall stand repealed on July 1, 2019.

1393 **SECTION 11.** Section 97-3-54.8, Mississippi Code of 1972, is
1394 amended as follows:

1395 97-3-54.8. **Relief for Victims of Human Trafficking Fund.**

1396 (1) There is hereby created in the State Treasury a special fund
1397 to be known as the "Relief for Victims of Human Trafficking Fund."
1398 The fund shall be a continuing fund, not subject to fiscal-year
1399 limitations, and shall consist of:

- 1400 (a) Monies appropriated by the Legislature;
- 1401 (b) The interest accruing to the fund;
- 1402 (c) Donations or grant funds received; and
- 1403 (d) Monies received from such other sources as may be
1404 provided by law.

1405 (2) The monies in the Relief for Victims of Human
1406 Trafficking Fund shall be used by the Mississippi * * * Bureau of
1407 Investigation of the Department of Public Safety solely for the
1408 administration of programs designed to assist victims of human
1409 trafficking, to conduct training on human trafficking to law
1410 enforcement, court personnel, attorneys, and nongovernmental
1411 service providers, and to support the duties of the Statewide
1412 Human Trafficking Coordinator as set forth in this act and as
1413 otherwise provided by law.

1414 (3) From and after July 1, 2016, the expenses of the Relief
1415 for Victims of Human Trafficking Fund program shall be defrayed by



1416 appropriation from the State General Fund and all user charges and
1417 fees authorized under this section shall be deposited into the
1418 State General Fund as authorized by law and as determined by the
1419 State Fiscal Officer.

1420 (4) From and after July 1, 2016, no state agency shall
1421 charge another state agency a fee, assessment, rent or other
1422 charge for services or resources received by authority of this
1423 section.

1424 **SECTION 12.** Section 97-3-54.9, Mississippi Code of 1972, is
1425 amended as follows:

1426 97-3-54.9. **Statewide Human Trafficking Coordinator; duties.**

1427 (1) There is created the position of statewide human trafficking
1428 coordinator within the * * * Mississippi Bureau of Investigation
1429 of the Department of Public Safety office. The duties of the
1430 coordinator shall be as follows:

1431 (a) Coordinate the implementation of this act;

1432 (b) Evaluate state efforts to combat human trafficking;

1433 (c) Collect data on human trafficking activity within
1434 the state on an ongoing basis, including types of activities
1435 reported, efforts to combat human trafficking, and impact on
1436 victims and on the state;

1437 (d) Exclude from publicly released portions of the data
1438 collected under subsection (1)(c) the identity of any victim and
1439 the victim's family;



1440 (e) Promote public awareness about human trafficking,
1441 remedies and services for victims, and national hotline
1442 information;

1443 (f) Create and maintain a website to publicize the
1444 coordinator's work;

1445 (g) Submit to the Legislature an annual report of its
1446 evaluation under subsection (1)(b) and any other annual report
1447 required by law, including any recommendations, and summary of
1448 data collected under subsection (1)(c) and any other data
1449 otherwise required by law to be collected by the coordinator;

1450 (h) Develop and implement rules and regulations
1451 pertaining to the use of the Relief for Victims of Human
1452 Trafficking Fund to support services for victims of human
1453 trafficking in Mississippi;

1454 (i) Assist in the creation and operations of local
1455 human trafficking task forces or working groups around the state,
1456 including serving on a task force or a multidisciplinary child
1457 protection team; * * *

1458 (j) Conduct other activities, including, but not
1459 limited to, applying for grants to enhance investigation and
1460 prosecution of trafficking offenses or to improve victim services
1461 to combat human trafficking within this state which are
1462 appropriate * * *; and

1463 (k) Perform any other duties specifically required by
1464 law for the coordinator.



1465 (2) The coordinator shall be authorized to seek input and
1466 assistance from state agencies, nongovernmental agencies, service
1467 providers and other individuals in the performance of the
1468 foregoing duties.

1469 (3) Each state agency, board and commission shall be
1470 required to fully cooperate with the coordinator in the
1471 performance of the duties of that position.

1472 (4) Every investigation of an offense under this chapter
1473 shall be reported to the coordinator by the initiating law
1474 enforcement agency pursuant to guidelines established by the
1475 coordinator.

1476 (5) Notwithstanding the provisions of Section 43-21-261,
1477 disclosure by any state agency, nongovernmental agency, service
1478 provider or local or state law enforcement agency of
1479 nonidentifying information regarding a minor victim to the
1480 coordinator for the purposes of evaluating and collecting data
1481 regarding trafficking offenses in the state is specifically
1482 authorized.

1483 **SECTION 13.** Section 43-47-7, Mississippi Code of 1972, is
1484 amended as follows:

1485 43-47-7. (1) (a) Except as otherwise provided by Section
1486 43-47-37 for vulnerable persons in care facilities and by Section
1487 43-7-65 for the State Ombudsman Program, any person including, but
1488 not limited to, the following, who knows or suspects that a
1489 vulnerable person has been or is being abused, neglected or



1490 exploited shall immediately report such knowledge or suspicion to
1491 the Department of Human Services or to the county department of
1492 human services where the vulnerable person is located. If the
1493 vulnerable person is a minor, then such report may be made to the
1494 Department of Child Protection Services:

1495 (i) Attorney, physician, osteopathic physician,
1496 medical examiner, chiropractor or nurse engaged in the admission,
1497 examination, care or treatment of vulnerable persons;

1498 (ii) Health professional or mental health
1499 professional other than one listed in subparagraph (i);

1500 (iii) Practitioner who relies solely on spiritual
1501 means for healing;

1502 (iv) Social worker, family protection worker,
1503 family protection specialist or other professional care,
1504 residential or institutional staff;

1505 (v) State, county or municipal criminal justice
1506 employee or law enforcement officer;

1507 (vi) Human rights advocacy committee or long-term
1508 care ombudsman council member; or

1509 (vii) Accountant, stockbroker, financial advisor
1510 or consultant, insurance agent or consultant, investment advisor
1511 or consultant, financial planner, or any officer or employee of a
1512 bank, savings and loan, credit union or any other financial
1513 service provider.



1514 (b) To the extent possible, a report made pursuant to
1515 paragraph (a) must contain, but need not be limited to, the
1516 following information:

1517 (i) Name, age, race, sex, physical description and
1518 location of each vulnerable person alleged to have been abused,
1519 neglected or exploited.

1520 (ii) Names, addresses and telephone numbers of the
1521 vulnerable person's family members.

1522 (iii) Name, address and telephone number of each
1523 alleged perpetrator.

1524 (iv) Name, address and telephone number of the
1525 caregiver of the vulnerable person, if different from the alleged
1526 perpetrator.

1527 (v) Description of the neglect, exploitation,
1528 physical or psychological injuries sustained.

1529 (vi) Actions taken by the reporter, if any, such
1530 as notification of the criminal justice agency.

1531 (vii) Any other information available to the
1532 reporting person which may establish the cause of abuse, neglect
1533 or exploitation that occurred or is occurring.

1534 In addition to the above, any person or entity holding or
1535 required to hold a license as specified in Title 73, Professions
1536 and Vocations, Mississippi Code of 1972, shall be required to give
1537 his, her or its name, address and telephone number in the report
1538 of the alleged abuse, neglect or exploitation.



1539 (c) The department, or its designees, shall report to
1540 an appropriate criminal investigative or prosecutive authority any
1541 person required by this section to report or who fails to comply
1542 with this section. A person who fails to make a report as
1543 required under this subsection or who, because of the
1544 circumstances, should have known or suspected beyond a reasonable
1545 doubt that a vulnerable person suffers from exploitation, abuse,
1546 neglect or self-neglect but who knowingly fails to comply with
1547 this section shall, upon conviction, be guilty of a misdemeanor
1548 and shall be punished by a fine not exceeding Five Thousand
1549 Dollars (\$5,000.00), or by imprisonment in the county jail for not
1550 more than six (6) months, or both such fine and imprisonment.
1551 However, for purposes of this subsection (1), any recognized legal
1552 financial transaction shall not be considered cause to report the
1553 knowledge or suspicion of the financial exploitation of a
1554 vulnerable person. If a person convicted under this section is a
1555 member of a profession or occupation that is licensed, certified
1556 or regulated by the state, the court shall notify the appropriate
1557 licensing, certifying or regulating entity of the conviction.

1558 (2) Reports received by law enforcement authorities or other
1559 agencies shall be forwarded immediately to the Department of Human
1560 Services or the county department of human services. The
1561 Department of Human Services shall investigate the reported abuse,
1562 neglect or exploitation immediately and shall file a preliminary
1563 report of its findings with the Office of the Attorney General



1564 within forty-eight (48) hours if immediate attention is needed, or
1565 seventy-two (72) hours if the vulnerable person is not in
1566 immediate danger and shall make additional reports as new
1567 information or evidence becomes available. The Department of
1568 Human Services, upon request, shall forward a statement to the
1569 person making the initial report required by this section as to
1570 what action is being taken, if any.

1571 (3) The report may be made orally or in writing, but where
1572 made orally, it shall be followed up by a written report. A
1573 person who fails to report or to otherwise comply with this
1574 section, as provided herein, shall have no civil or criminal
1575 liability, other than that expressly provided for in this section,
1576 to any person or entity in connection with any failure to report
1577 or to otherwise comply with the requirements of this section.

1578 (4) Anyone who makes a report required by this section or
1579 who testifies or participates in any judicial proceedings arising
1580 from the report or who participates in a required investigation or
1581 evaluation shall be presumed to be acting in good faith and in so
1582 doing shall be immune from liability, civil or criminal, that
1583 might otherwise be incurred or imposed. However, the immunity
1584 provided under this subsection shall not apply to any suspect or
1585 perpetrator of any abuse, neglect or exploitation.

1586 (5) A person who intentionally makes a false report under
1587 the provisions of this section may be found liable in a civil suit



1588 for any actual damages suffered by the person or persons so
1589 reported and for any punitive damages set by the court or jury.

1590 (6) The Executive Director of the Department of Human
1591 Services shall establish a statewide central register of reports
1592 made pursuant to this section. The central register shall be
1593 capable of receiving reports of vulnerable persons in need of
1594 protective services seven (7) days a week, twenty-four (24) hours
1595 a day. To effectuate this purpose, the executive director shall
1596 establish a single toll-free statewide phone number that all
1597 persons may use to report vulnerable persons in need of protective
1598 services, and that all persons authorized by subsection (7) of
1599 this section may use for determining the existence of prior
1600 reports in order to evaluate the condition or circumstances of the
1601 vulnerable person before them. Such oral reports and evidence of
1602 previous reports shall be transmitted to the appropriate county
1603 department of human services. The central register shall include,
1604 but not be limited to, the following information: the name and
1605 identifying information of the individual reported, the county
1606 department of human services responsible for the investigation of
1607 each such report, the names, affiliations and purposes of any
1608 person requesting or receiving information which the executive
1609 director believes might be helpful in the furtherance of the
1610 purposes of this chapter, the name, address, birth date, social
1611 security number of the perpetrator of abuse, neglect and/or
1612 exploitation, and the type of abuse, neglect and/or exploitation



1613 of which there was substantial evidence upon investigation of the
1614 report. The central register shall inform the person making
1615 reports required under this section of his or her right to request
1616 statements from the department as to what action is being taken,
1617 if any.

1618 Each person, business, organization or other entity, whether
1619 public or private, operated for profit, operated for nonprofit or
1620 a voluntary unit of government not responsible for law enforcement
1621 providing care, supervision or treatment of vulnerable persons
1622 shall conduct criminal history records checks on each new employee
1623 of the entity who provides, and/or would provide direct patient
1624 care or services to adults or vulnerable persons, as provided in
1625 Section 43-11-13.

1626 The department shall not release data that would be harmful
1627 or detrimental to the vulnerable person or that would identify or
1628 locate a person who, in good faith, made a report or cooperated in
1629 a subsequent investigation unless ordered to do so by a court of
1630 competent jurisdiction.

1631 (7) Reports made pursuant to this section, reports written
1632 or photographs taken concerning such reports in the possession of
1633 the Department of Human Services or the county department of human
1634 services shall be confidential and shall only be made available
1635 to:



1636 (a) A physician who has before him a vulnerable person
1637 whom he reasonably suspects may be abused, neglected or exploited,
1638 as defined in Section 43-47-5;

1639 (b) A duly authorized agency having the responsibility
1640 for the care or supervision of a subject of the report;

1641 (c) A grand jury or a court of competent jurisdiction,
1642 upon finding that the information in the record is necessary for
1643 the determination of charges before the grand jury;

1644 (d) A district attorney or other law enforcement
1645 official.

1646 Notwithstanding the provisions of paragraph (b) of this
1647 subsection, the department may not disclose a report of the
1648 abandonment, exploitation, abuse, neglect or self-neglect of a
1649 vulnerable person to the vulnerable person's guardian,
1650 attorney-in-fact, surrogate decision maker, or caregiver who is a
1651 perpetrator or alleged perpetrator of the abandonment,
1652 exploitation, abuse or neglect of the vulnerable person.

1653 Any person given access to the names or other information
1654 identifying the subject of the report, except the subject of the
1655 report, shall not divulge or make public such identifying
1656 information unless he is a district attorney or other law
1657 enforcement official and the purpose is to initiate court action.
1658 Any person who willfully permits the release of any data or
1659 information obtained pursuant to this section to persons or



1660 agencies not permitted to such access by this section shall be
1661 guilty of a misdemeanor.

1662 (8) Upon reasonable cause to believe that a caretaker or
1663 other person has abused, neglected or exploited a vulnerable
1664 person, the department shall promptly notify the district attorney
1665 of the county in which the vulnerable person is located and the
1666 Office of the Attorney General, except as provided in Section
1667 43-47-37(2).

1668 **SECTION 14.** This act shall take effect and be in force from
1669 and after July 1, 2019.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 STATEWIDE HUMAN TRAFFICKING COORDINATOR
45 SHALL BE UNDER THE MISSISSIPPI BUREAU OF INVESTIGATION OF THE
46 DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTIONS 43-1-55, 97-3-54.8,
47 97-3-54.9 AND 43-47-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
48 PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

