

By: Senator(s) Turner-Ford

To: Judiciary, Division A

SENATE BILL NO. 2163

1 AN ACT TO AMEND SECTION 45-33-26, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT ONLINE PURSUIT OF ROMANTIC OR SEXUAL INTERESTS BY
3 CERTAIN SEX OFFENDERS WITHIN TEN YEARS OF THE DATE OF CONVICTION;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 45-33-26, Mississippi Code of 1972, is
7 amended as follows:

8 45-33-26. (1) (a) Unless exempted under subsection (2), it
9 is unlawful for a person required to register as a sex offender
10 under Section 45-33-25:

11 (i) To be present in any school building, on real
12 property comprising any school, or in any conveyance owned, leased
13 or contracted by a school to transport students to or from school
14 or a school-related activity when persons under the age of
15 eighteen (18) are present in the building, on the grounds or in
16 the conveyance; or

17 (ii) To loiter within five hundred (500) feet of a
18 school building or real property comprising any school while



19 persons under the age of eighteen (18) are present in the building
20 or on the grounds.

21 (b) It is unlawful for a person required to register as
22 a sex offender under Section 45-33-25 to visit or be in or about
23 any public beach or public campground where minor children
24 congregate without advance approval from the Director of the
25 Department of Public Safety Sex Offender Registry, and the
26 registrant is required to immediately report any incidental
27 contact with minor children to the director.

28 (c) It is unlawful for a person required to register as
29 a sex offender under Section 45-33-25 to register on a dating
30 website or to attempt to pursue romantic or sexual interests using
31 an online internet dating forum within ten (10) years of the date
32 of conviction of an offense that triggers the registration
33 requirement.

34 (2) (a) A person required to register as a sex offender who
35 is a parent or guardian of a student attending the school and who
36 complies with subsection (3) may be present on school property if
37 the parent or guardian is:

38 (i) Attending a conference at the school with
39 school personnel to discuss the progress of the sex offender's
40 child academically or socially;

41 (ii) Participating in child review conferences in
42 which evaluation and placement decisions may be made with respect
43 to the sex offender's child regarding special education services;



44 (iii) Attending conferences to discuss other
45 student issues concerning the sex offender's child such as
46 retention and promotion;

47 (iv) Transporting the sex offender's child to and
48 from school; or

49 (v) Present at the school because the presence of
50 the sex offender has been requested by the principal for any other
51 reason relating to the welfare of the child.

52 (b) Subsection (1) (a) of this section shall not apply
53 to a sex offender who is legally enrolled in a particular school
54 or is participating in a school-sponsored educational program
55 located at a particular school when the sex offender is present at
56 that school.

57 (3) (a) In order to exercise the exemption under subsection
58 (2), a parent or guardian who is required to register as a sex
59 offender must notify the principal of the school of the sex
60 offender's presence at the school unless the offender: (i) has
61 permission to be present from the superintendent or the school
62 board, or (ii) the principal has granted ongoing permission for
63 regular visits of a routine nature.

64 (b) If permission is granted by the superintendent or
65 the school board, the superintendent or school board president
66 must inform the principal of the school where the sex offender
67 will be present. Notification includes the nature of the sex
68 offender's visit and the hours when the sex offender will be



69 present in the school, and the sex offender is responsible for
70 notifying the principal's office upon arrival and upon departure.
71 If the sex offender is to be present in the vicinity of children,
72 the sex offender has the duty to remain under the direct
73 supervision of a school official.

74 (4) For the purposes of this section, the following terms
75 shall have the meanings ascribed unless the context clearly
76 requires otherwise:

77 (a) "School" means a public or private preschool,
78 elementary school or secondary school.

79 (b) "Loiter" means standing or sitting idly, whether in
80 or out of a vehicle, or remaining in or around school property
81 without a legitimate reason.

82 (c) "School official" means the principal, a teacher,
83 any other certified employee of the school, the superintendent of
84 schools, or a member of the school board.

85 (d) "Dating website," "internet dating website" or
86 "internet dating forum" means an internet website that facilitates
87 the social introduction between two (2) or more persons for the
88 purposes of developing a romantic or sexual relationship or
89 courtship. It does not include an internet website that either
90 (i) provides only one of the following discrete services:
91 Photo-sharing, electronic mail, instant messenger, or chat room or
92 message board platform; or (ii) has as its primary purpose the
93 facilitation of commercial transactions involving goods or



94 services that are not sexual in nature between its members or
95 visitors.

96 (5) A sex offender who violates this section is guilty of a
97 misdemeanor and subject to a fine not to exceed One Thousand
98 Dollars (\$1,000.00), incarceration not to exceed six (6) months in
99 jail, or both.

100 (6) It is a defense to prosecution under subsection (1) (a)
101 or (b) of this section that the sex offender did not know and
102 could not reasonably know that the property or conveyance fell
103 within the proscription of this section.

104 (7) Nothing in this section shall be construed to infringe
105 upon the constitutional right of a sex offender to be present in a
106 school building that is used as a polling place for the purpose of
107 voting.

108 **SECTION 2.** This act shall take effect and be in force from
109 and after July 1, 2020.

