

By: Representative Owen

To: Judiciary A

HOUSE BILL NO. 1112

1 AN ACT TO AMEND SECTION 97-5-3, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE CRIMINAL CHARGES AGAINST A PARENT WHO WILLFULLY NEGLECTS  
3 OR REFUSES TO PROVIDE SUPPORT AND MAINTENANCE TO HIS OR HER CHILD  
4 WHO IS UNDER THE AGE OF TWENTY-ONE; TO AMEND SECTION 99-1-5,  
5 MISSISSIPPI CODE OF 1972, TO EXTEND THE STATUTE OF LIMITATIONS FOR  
6 CHARGES THAT MAY BE BROUGHT UNDER SECTION 97-5-3; AND FOR RELATED  
7 PURPOSES.

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

9 **SECTION 1.** Section 97-5-3, Mississippi Code of 1972, is  
10 amended as follows:

11 97-5-3. (1) Any parent who shall desert or \* \* \* willfully  
12 neglect or refuse to provide for the support and maintenance of  
13 his or her child or children, including the natural parent of an  
14 illegitimate child or children wherein paternity has been  
15 established by law or when the natural parent has acknowledged  
16 paternity in writing, while said child or children are under the  
17 age of \* \* \* twenty-one (21) years shall be guilty of a felony  
18 and, on conviction thereof, shall be punished for a first offense  
19 by a fine of not less than One Hundred Dollars (\$100.00) nor more  
20 than Five Hundred Dollars (\$500.00), or by commitment to the



21 custody of the Department of Corrections not more than five (5)  
22 years, or both; and for a second or subsequent offense, by a fine  
23 of not less than One Thousand Dollars (\$1,000.00) nor more than  
24 Ten Thousand Dollars (\$10,000.00), or by commitment to the custody  
25 of the Department of Corrections not less than two (2) years nor  
26 more than five (5) years, or both, in the discretion of the court.

27 (2) Charges under this section against a parent may be  
28 pursued for three (3) years after the child turns twenty-one (21)  
29 years of age for any offense under this section when the child was  
30 under the age of twenty-one (21) years.

31 (3) In any prosecution under this section, it is a defense  
32 if, during the relevant time period, the child:

33 (a) Marries, or

34 (b) Joins the military and serves on a full-time basis,  
35 or

36 (c) Is convicted of a felony and is sentenced to  
37 incarceration of two (2) or more years for committing such felony,  
38 or

39 (d) Discontinues full-time enrollment in school having  
40 attained the age of eighteen (18) years, unless the child is  
41 disabled, or

42 (e) Voluntarily moves from the home of the custodial  
43 parent or guardian, establishes independent living arrangements,  
44 obtains full-time employment and discontinues educational  
45 endeavors prior to attaining the age of twenty-one (21) years, or



46           (f) Cohabits with another person without the approval  
47 of the parent obligated to pay support.

48           **SECTION 2.** Section 99-1-5, Mississippi Code of 1972, is  
49 amended as follows:

50           99-1-5. The passage of time shall never bar prosecution  
51 against any person for the offenses of murder, manslaughter,  
52 aggravated assault, aggravated domestic violence, kidnapping,  
53 arson, burglary, forgery, counterfeiting, robbery, larceny, rape,  
54 embezzlement, obtaining money or property under false pretenses or  
55 by fraud, felonious abuse or battery of a child as described in  
56 Section 97-5-39, touching or handling a child for lustful purposes  
57 as described in Section 97-5-23, sexual battery of a child as  
58 described in Section 97-3-95(1)(c), (d) or (2), exploitation of  
59 children as described in Section 97-5-33, promoting prostitution  
60 under Section 97-29-51(2) when the person involved is a minor, or  
61 any human trafficking offense as described in Section  
62 97-3-54.1(1)(a), (1)(b) or (1)(c), Section 97-3-54.2, or Section  
63 97-3-54.3. A person shall not be prosecuted for conspiracy, as  
64 described in Section 97-1-1, for felonious assistance-program  
65 fraud, as described in Section 97-19-71, or for felonious abuse of  
66 vulnerable persons, as described in Sections 43-47-18 and  
67 43-47-19, unless the prosecution for the offense is commenced  
68 within five (5) years next after the commission thereof. A person  
69 shall not be prosecuted for deserting, neglecting, or refusing to  
70 support a child under Section 97-5-3 unless the prosecution for



71 the offense is commenced within three (3) years after the child  
72 turns twenty-one (21) years of age for an offense under Section  
73 97-5-3 when the child was under the age of twenty-one (21) years  
74 of age subject to the limitations in Section 97-5-3(3). A person  
75 shall not be prosecuted for larceny of timber as described in  
76 Section 97-17-59, unless the prosecution for the offense is  
77 commenced within six (6) years next after the commission thereof.  
78 A person shall not be prosecuted for any other offense not listed  
79 in this section unless the prosecution for the offense is  
80 commenced within two (2) years next after the commission thereof.  
81 Nothing contained in this section shall bar any prosecution  
82 against any person who shall abscond or flee from justice, or  
83 shall absent himself from this state or out of the jurisdiction of  
84 the court, or so conduct himself that he cannot be found by the  
85 officers of the law, or that process cannot be served upon him.

86       **SECTION 3.** This act shall take effect and be in force from  
87 and after July 1, 2023.

