

By: Senator(s) Seymour

To: Universities and
Colleges

SENATE BILL NO. 2722

1 AN ACT TO ENACT THE SAFE DORMITORIES ACT; TO SET THE
 2 LEGISLATIVE FINDINGS AND DEFINITIONS; TO PROVIDE THAT ANY PUBLIC
 3 BUILDING THAT MAINTAINS MULTIPLE-OCCUPANCY DORMITORY ROOMS SHALL
 4 PROVIDE STUDENT RESIDENTS THE OPTION TO BE HOUSED ONLY IN A
 5 DORMITORY ROOM WITH ROOMMATES OF THE SAME SEX; TO PROHIBIT A
 6 PERSON FROM ENTERING INTO A DORMITORY ROOM DESIGNATED EXCLUSIVELY
 7 FOR USE BY PERSONS OF THE OPPOSITE SEX; TO SET CERTAIN SPECIFIC
 8 EXCEPTIONS RELATED TO THIS PROHIBITION; TO REQUIRE ANY APPLICABLE
 9 GOVERNMENTAL ENTITY TO ESTABLISH REGULATIONS AND DISCIPLINARY
 10 PROCEDURES FOR ANY SUCH PERSON; TO ESTABLISH CERTAIN VIOLATIONS OF
 11 THE ACT; TO AUTHORIZE PRIVATE ENFORCEMENT OF THE ACT AND CAUSES OF
 12 ACTION; TO REQUIRE THE ATTORNEY GENERAL TO BRING AN ACTION TO
 13 ENFORCE COMPLIANCE WITH THE ACT; TO PROVIDE A SEVERABILITY CLAUSE
 14 TO THE ACT; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) This chapter shall be known and may be cited
 17 as the "Safe Dormitories Act."

18 (2) The Legislature finds that females and males should be
 19 provided areas, including dormitories, for their exclusive use,
 20 respective to their sex, in order to maintain public safety,
 21 decency, decorum and privacy.

22 (3) For purposes of this chapter, the following terms shall
 23 have the meanings ascribed herein:



24 (a) "Dormitory room" means a separate room or rooms,
25 located within a residence hall or sorority or fraternity house at
26 an institution of higher learning or community college, to be used
27 as living quarters for an individual student and his or her
28 roommates, but excludes halls, lobbies and other common areas of
29 the residence hall.

30 (b) "Public building" means any building, facility or
31 space owned, leased or controlled by, or leased to, the state,
32 counties, municipalities, institutions of higher learning,
33 community colleges or any political subdivision.

34 (c) "Female" means an individual who has, had, will
35 have through the course of normal development, or would have had
36 (but for a developmental anomaly, genetic anomaly, disease, or
37 injury) the reproductive system that at some point produces ova.

38 (d) "Male" means an individual who has, had, will have
39 through the course of normal development, or would have had (but
40 for a developmental anomaly, genetic anomaly, disease, or injury)
41 the reproductive system that at some point produces sperm.

42 (e) "Sex," when used to classify a natural person,
43 means the biological indication of male and female at birth,
44 without regard to an individual's "gender identity" or any other
45 terms intended to convey a person's psychological, chosen, or
46 subjective experience or sense of self.

47 (f) "Girl" means a minor human female.

48 (g) "Boy" means minor human male.



49 (h) "Woman" means an adult human female.

50 (i) "Man" means an adult human male.

51 (j) "Mother" means a female parent.

52 (k) "Father" means a male parent.

53 **SECTION 2.** Any public building that maintains
54 multiple-occupancy dormitory rooms shall, subject to its other
55 ordinary terms and conditions of dormitory occupancy, provide
56 student residents the option to be housed only in a dormitory room
57 with roommates of the same sex.

58 Except as provided in this act, for purposes of this chapter,
59 a person may not enter a dormitory room designated exclusively for
60 use by persons of the opposite sex.

61 **SECTION 3.** The requirements of Sections 2, 4, 5, 6 and 7 of
62 this chapter do not apply to any person entering a dormitory room
63 for the following purposes:

64 (a) To accompany a person of the opposite sex for the
65 purpose of assisting or chaperoning a child under the age of 12, a
66 vulnerable person as defined Section 43-47-5, or a person with a
67 disability as defined in Section 43-6-203(b);

68 (b) For law enforcement or governmental regulatory
69 purposes;

70 (c) For the purpose of rendering emergency medical
71 assistance or to intervene in any other emergency situation where
72 the health or safety of another person is at risk;



73 (d) For custodial, maintenance, or inspection purposes,
74 provided that the dormitory room is not in use;

75 (e) If the appropriate designated dormitory room is out
76 of order or under repair and contains no person of the opposite
77 sex;

78 (f) If the dormitory room has been temporarily
79 designated for use by a person of the sex opposite from the sex
80 for which its use is ordinarily designated, but only for the
81 duration of such designation; or

82 (g) If the person entering the dormitory room is an
83 employee, contractor or agent of the owner or other person or
84 entity in control of the public building, announces his or her
85 intention to enter, and allows a reasonable time for persons of
86 the opposite sex to protect their privacy before entering.

87 **SECTION 4. Disciplinary procedures; penalties.** (1) The
88 applicable governmental entity for each public building under its
89 ownership, control or lease shall, within ninety (90) days,
90 establish regulations and disciplinary procedures for any person
91 who willfully enters, for a purpose other than those listed in
92 Section 3, a dormitory room designated for the opposite sex on the
93 premises of the public building and refuses to depart when asked
94 to do so by any employee or contractor of the owner, lessee or
95 lessor of the public building.

96 (2) A person who willfully enters, for a purpose other than
97 those listed in Section 3, a dormitory room designated for the



98 opposite sex on the premises of a public building and refuses to
99 depart when asked to do so by an employee or contractor of the
100 owner, lessee or lessor of the public building commits the offense
101 of trespass as provided in Section 97-17-97.

102 (3) On July 1, 2025, and annually thereafter, the applicable
103 governmental entity for each public building under its ownership,
104 control or lease shall provide a report and documentation to the
105 Speaker of the Mississippi House of Representatives, the
106 Lieutenant Governor, and the Governor, regarding compliance with
107 this chapter.

108 **SECTION 5. Private enforcement.** (1) A person may assert a
109 violation of this chapter as a claim or defense in a judicial or
110 administrative proceeding and obtain compensatory damages,
111 punitive damages, injunctive relief, declaratory relief, or any
112 other appropriate relief. Such claim may be brought against any
113 applicable governmental entity for each public building under its
114 ownership, control or lease which caused or contributed to a
115 violation of this chapter.

116 (2) A person under eighteen (18) years of age may bring an
117 action throughout their minority through a parent or next friend
118 and may bring an action in their own name upon reaching the age of
119 majority.

120 (3) Notwithstanding any other provision of law, an action
121 under this chapter may be commenced, and relief may be granted, in
122 a judicial proceeding without regard to whether the person



123 commencing the action has sought or exhausted available
124 administrative remedies.

125 (4) In any action or proceeding to enforce a provision of
126 this chapter, a prevailing party who establishes a violation of
127 this chapter shall recover reasonable attorney's fees.

128 **SECTION 6. Attorney General enforcement.** (1) The Attorney
129 General shall bring an action to enforce compliance with this
130 chapter.

131 (2) This chapter does not deny, impair, or otherwise affect
132 any right or authority of the Attorney General, the State of
133 Mississippi, or any agency, officer, or employee of the state,
134 acting under any law other than this act, to institute or
135 intervene in any proceeding.

136 **SECTION 7.** Any provision of this act held to be invalid or
137 unenforceable by its terms, or as applied to any person or
138 circumstance, shall be construed so as to give it the maximum
139 effect permitted by law, unless such holding shall be one of utter
140 invalidity or unenforceability, in which event such provision
141 shall be deemed severable herefrom and shall not affect the
142 remainder hereof or the application of such provision to other
143 persons not similarly situated or to other, dissimilar
144 circumstances.

145 **SECTION 8.** This act shall take effect and be in force from
146 and after its passage.

