

By: Representative McLean

To: Judiciary B

## HOUSE BILL NO. 860

1 AN ACT TO CREATE NEW SECTION 97-3-102, MISSISSIPPI CODE OF  
2 1972, TO PROVIDE A CRIME FOR A THERAPIST WHO ENGAGES IN SEXUAL  
3 CONTACT WITH A PATIENT; TO AMEND SECTION 97-3-95, MISSISSIPPI CODE  
4 OF 1972, TO INCLUDE THE TERM "THERAPIST" IN THE PROVISION OF LAW  
5 THAT REGULATES THE CRIME OF SEXUAL BATTERY; TO AMEND SECTION  
6 73-54-29, MISSISSIPPI CODE OF 1972, TO ADD ENGAGING IN SEXUAL  
7 CONTACT WITH A PATIENT TO THE GROUNDS FOR DISCIPLINARY ACTION OF  
8 MARRIAGE AND FAMILY THERAPISTS; TO AMEND SECTION 73-53-17,  
9 MISSISSIPPI CODE OF 1972, TO ADD ENGAGING IN SEXUAL CONTACT WITH A  
10 PATIENT TO THE GROUNDS FOR DISCIPLINARY ACTION OF SOCIAL WORKERS;  
11 TO AMEND SECTION 73-30-21, MISSISSIPPI CODE OF 1972, TO ADD  
12 ENGAGING IN SEXUAL CONTACT WITH A PATIENT TO THE GROUNDS FOR  
13 DISCIPLINARY ACTION OF LICENSED PROFESSIONAL COUNSELORS; TO AMEND  
14 SECTION 73-31-21, MISSISSIPPI CODE OF 1972, TO ADD ENGAGING IN  
15 SEXUAL CONTACT WITH A PATIENT TO THE GROUNDS FOR DISCIPLINARY  
16 ACTION OF PSYCHOLOGISTS; TO AMEND SECTION 73-25-29, MISSISSIPPI  
17 CODE OF 1972, TO ADD ENGAGING IN SEXUAL CONTACT WITH A PATIENT TO  
18 THE GROUNDS FOR DISCIPLINARY ACTION OF PHYSICIANS; TO BRING  
19 FORWARD SECTION 97-3-97, MISSISSIPPI CODE OF 1972, WHICH PROVIDES  
20 DEFINITIONS FOR THE CRIME OF SEXUAL BATTERY; TO BRING FORWARD  
21 SECTION 97-3-101, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE  
22 PENALTIES FOR THE CRIME OF SEXUAL BATTERY; TO PROVIDE ADDITIONAL  
23 IMMUNITY FOR ANY PERSON WHO, IN GOOD FAITH, REPORTS ABUSE, NEGLECT  
24 OR COMMERCIAL SEXUAL EXPLOITATION; TO REQUIRE ANY PERSON OR ENTITY  
25 WHO LEARNS THAT AN ADULT WAS ABUSED AS A CHILD BY A PERSON WHO WAS  
26 OR IS ASSOCIATED WITH THE PERSON OR ENTITY; TO PROVIDE IMMUNITY TO  
27 SUCH PERSON FOR REPORTING; TO AMEND SECTIONS 43-21-353 AND  
28 97-3-54.1, MISSISSIPPI CODE OF 1972, TO PROVIDE IMMUNITY FOR THE  
29 REPORTER OF SEXUAL ABUSE WHICH MAY BE INCURRED AS A RESULT OF  
30 REPORTING; TO BRING FORWARD SECTION 97-5-51, MISSISSIPPI CODE OF  
31 1972, WHICH PROVIDES FOR MANDATORY REPORTING, FOR PURPOSES OF  
32 AMENDMENT; AND FOR RELATED PURPOSES.

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



34           **SECTION 1.** The following shall be codified as Section  
35 97-3-102, Mississippi Code of 1972:

36           97-3-102. (1) For purposes of this act, the following words  
37 and phrases shall have the meanings ascribed herein unless the  
38 context clearly requires otherwise:

39           (a) "Clergy" means a priest, rabbi, Christian Science  
40 practitioner, imam, minister, pastor, leader of any religious sect  
41 or any spiritual leader of any church, religious body or religious  
42 society, or person who holds himself or herself out to be a  
43 priest, rabbi, Christian Science practitioner, imam, minister,  
44 pastor, leader of any religious denomination or any spiritual  
45 leader of any church, religious body or religious society.

46           (b) "Former patient or client" means a patient who  
47 received services from the therapist within twelve (12) months  
48 after the end of a patient or client-therapist relationship.

49           (c) "Mental health services" means the treatment,  
50 assessment, or counseling of another person for a cognitive,  
51 spiritual, behavioral, emotional, mental, or social issue.

52           (d) "Patient" means a person who receives paid or  
53 unpaid services from the therapist.

54           (e) "Sexual contact" means kissing, touching, including  
55 oral touching, of another person's inner thigh, breast, groin,  
56 buttock, anus, pubes or genitals, whether clothed or unclothed,  
57 sexual penetration as defined in Section 97-3-97, or encouraging  
58 the patient to kiss, touch, including oral touch, of the patient's



inner thigh, breast, groin, buttock, anus, pubes or genitals, whether clothed or unclothed, or penetrate any opening of the patient's body for the pleasure or gratification of the therapist.

(f) "Spiritual leader" means a person in a religious sect whose primary purpose is to provide spiritual guidance, enrichment and instruction for or on behalf of the religious denomination.

(g) "Therapist" means a physician, psychologist, nurse, counselor, substance abuse counselor, social worker, clergy, marriage or family therapist, mental health service provider, hypnotist, any associate thereof, or other person, regardless of whether the person is licensed or certified by this state, who provides or purports to provide mental health services.

(2) It shall be unlawful for any person who is a therapist or who holds himself or herself out to be a therapist to have sexual contact with a patient or former patient regardless of whether the sexual contact occurs during any treatment, consultation, counseling, interview or examination of the patient. Any person convicted for a violation of this section shall be guilty of a felony and punished by imprisonment for not more than five (5) years in the custody of the Department of Corrections, fined not more than Ten Thousand Dollars (\$10,000.00), or both.

(3) Consent of the patient shall not be a defense to the prohibition described in this section.



(4) The provisions of this section shall not be construed to replace any other applicable provisions of law. The penalties described in this section may be used in addition to any other penalties authorized by law for the described conduct.

(5) It is not a violation of this section if the therapist and the patient engaged in sexual contact before the existence of the therapist-patient relationship.

**SECTION 2.** Section 97-3-95, Mississippi Code of 1972, is amended as follows:

97-3-95. (1) A person is guilty of sexual battery if he or she engages in sexual penetration with:

(a) Another person without his or her consent;

(b) A mentally defective, mentally incapacitated or physically helpless person;

(c) A child at least fourteen (14) but under sixteen (16) years of age, if the person is thirty-six (36) or more months older than the child; or

(d) A child under the age of fourteen (14) years of age, if the person is twenty-four (24) or more months older than the child.

(2) A person is guilty of sexual battery if he or she engages in sexual penetration with a child under the age of eighteen (18) years if the person is in a position of trust or authority over the child including, without limitation, the child's teacher, counselor, physician, psychiatrist, psychologist,



minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader \* \* \*, coach or therapist as defined in Section 1 of this act.

**SECTION 3.** Section 73-54-29, Mississippi Code of 1972, is amended as follows:

73-54-29. Licensees subject to this chapter shall conduct their activities, services and practice in accordance with this chapter and any rules promulgated under this chapter. Licensees may be subject to the exercise of the disciplinary sanctions enumerated in Section 73-53-23 if the board finds that a licensee is guilty of any of the actions listed in Section 73-53-17(1) or is guilty of any of the following:

(a) Violation of any provision of this chapter or any rules or regulations of the board adopted under the provisions of this chapter.

(b) Other just and sufficient cause which renders a person unfit to practice marriage and family therapy as determined by the board, but not limited to:

(i) Habitual use of alcohol or drugs to an extent that affects professional competence;

(ii) Adjudication as being mentally incompetent by a court of competent jurisdiction;

(iii) Practicing in a manner detrimental to the public health and welfare;



(iv) Revocation of a license or certification by a licensing agency or by a certifying professional organization;

(v) Any other violation of this chapter or the code of ethical standards of the American Association for Marriage and Family Therapy or other ethical standards adopted by the board under the provisions of this chapter; \* \* \*

(vi) Continued practice although the individual failed to renew and has a lapsed license \* \* \*; or

(c) Violation of Section 1 of this act.

**SECTION 4.** Section 73-53-17, Mississippi Code of 1972, is amended as follows:

73-53-17. (1) Individuals licensed by the board shall conduct their activities, services and practice in accordance with the laws governing their professional practice and any rules promulgated by the board. Licensees and applicants may be subject to the exercise of the sanctions enumerated in Section 73-53-23 if the board finds that a licensee or applicant has committed any of the following:

(a) Negligence in the practice or performance of professional services or activities;

(b) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in the course of professional services or activities;



156 (c) Perpetrating or cooperating in fraud or material  
157 deception in obtaining or renewing a license or attempting the  
158 same;

159 (d) Violating the rules and regulations established by  
160 the board;

161 (e) Violating the National Association of Social  
162 Workers Code of Ethics or the American Association for Marriage  
163 and Family Therapy Code of Ethics;

164 (f) Being convicted of any crime which has a  
165 substantial relationship to the licensee's activities and services  
166 or an essential element of which is misstatement, fraud or  
167 dishonesty;

168 (g) Being convicted of any crime which is a felony  
169 under the laws of this state or of the United States of America;

170 (h) Engaging in or permitting the performance of  
171 unacceptable services personally due to the licensee's deliberate  
172 or grossly negligent act or acts or failure to act, regardless of  
173 whether actual damage or damages to the public is established, or  
174 assuming responsibility for another's work by signing documents  
175 without personal knowledge of the work as established by board  
176 rule;

177 (i) Continued practice although the licensee has become  
178 unfit to practice social work due to: (i) failure to keep abreast  
179 of current professional theory or practice; or (ii) physical or  
180 mental disability; the entry of an order or judgment by a court of



competent jurisdiction that a licensee is in need of mental treatment or is incompetent shall constitute mental disability; or (iii) addiction or severe dependency upon alcohol or other drugs which may endanger the public by impairing the licensee's ability to practice;

(j) Continued practice although the individual failed to renew and has a lapsed license;

(k) Having disciplinary action taken against the licensee's license in another state;

(l) Making differential, detrimental treatment against any person because of race, color, creed, sex, religion or national origin;

(m) Engaging in lewd conduct in connection with professional services or activities;

(n) Engaging in false or misleading advertising;

(o) Contracting, assisting or permitting unlicensed persons to perform services for which a license is required under this chapter;

(p) Violation of any probation requirements placed on a licensee by the board;

(q) Revealing confidential information except as may be required by law;

(r) Failing to inform clients of the fact that the client no longer needs the services or professional assistance of the licensee;





(s) Charging excessive or unreasonable fees or engaging in unreasonable collection practices \* \* \*; or

(t) Violating Section 1 of this act.

(2) The board may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

(3) Failure to comply with a board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Section 73-53-23.

(4) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

**SECTION 5.** Section 73-30-21, Mississippi Code of 1972, is amended as follows:



73-30-21. (1) The board may, after notice and opportunity for a hearing, suspend, revoke or refuse to issue or renew a license or the privilege to practice or may reprimand the license holder or holder of the privilege to practice, upon a determination by the board that such license holder or holder of the privilege to practice or applicant for licensure or the privilege to practice has:

(a) Been adjudged by any court to be mentally incompetent or have had a guardian of person appointed;

(b) Been convicted of a felony;

(c) Sworn falsely under oath or affirmation;

(d) Obtained a license or certificate or the privilege to practice by fraud, deceit or other misrepresentation;

(e) Engaged in the conduct of professional counseling in a grossly negligent or incompetent manner;

(f) Intentionally violated any provision of this article;

(g) Violated any rules or regulations of the board; \* \* \*

(h) Aided or assisted another in falsely obtaining a license or the privilege to practice under this article \* \* \*; or

(i) Violated Section 1 of this act.

With regard to a refusal to issue a privilege to practice, such refusal by the board shall be in accordance with the terms of



the Professional Counseling Compact instead of this subsection  
(1).

(2) Appeals from disciplinary action are to be brought in  
the circuit court in the county of residence of the practitioner.  
In the event the practitioner resides out of state the appeal  
should be brought in Hinds County Circuit Court.

(3) The board may assess and levy upon any licensee,  
practitioner or applicant for licensure or the privilege to  
practice the costs incurred or expended by the board in the  
investigation and prosecution of any licensure, privilege to  
practice or disciplinary action, including, but not limited to,  
the costs of process service, court reporters, expert witnesses,  
investigators and attorney's fees.

(4) No revoked license or privilege to practice may be  
reinstated within twelve (12) months after such revocation.  
Reinstatement thereafter shall be upon such conditions as the  
board may prescribe, which may include, without being limited to,  
successful passing of the examination required by this article.

(5) A license or privilege to practice certificate issued by  
the board is the property of the board and must be surrendered on  
demand.

(6) The chancery court is hereby vested with the  
jurisdiction and power to enjoin the unlawful practice of  
counseling and/or the false representation as a licensed counselor



in a proceeding brought by the board or any members thereof or by any citizen of this state.

(7) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

**SECTION 6.** Section 73-31-21, Mississippi Code of 1972, is amended as follows:

73-31-21. (1) The board, by an affirmative vote of at least four (4) of its seven (7) members, shall withhold, deny, revoke or suspend any license issued or applied for in accordance with the provisions of this article, or otherwise discipline a licensed psychologist, upon proof that the applicant or licensed psychologist:



(a) Has violated the current code of ethics of the American Psychological Association or other codes of ethical standards adopted by the board; or

(b) Has been convicted of a felony or any offense involving moral turpitude, the record of conviction being conclusive evidence thereof; or

(c) Is using any substance or any alcoholic beverage to an extent or in a manner dangerous to any other person or the public, or to an extent that the use impairs his or her ability to perform the work of a professional psychologist with safety to the public; or

(d) Has impersonated another person holding a psychologist license or allowed another person to use his or her license; or

(e) Has used fraud or deception in applying for a license or in taking an examination provided for in this article; or

(f) Has accepted commissions or rebates or other forms of remuneration for referring clients to other professional persons; or

(g) Has performed psychological services outside of the area of his or her training, experience or competence; or

(h) Has allowed his or her name or license issued under this article to be used in connection with any person or persons



who perform psychological services outside of the area of their training, experience or competence; or

(i) Is legally adjudicated mentally incompetent, the record of that adjudication being conclusive evidence thereof; or

(j) Has willfully or negligently violated any of the provisions of this article. The board may recover from any person disciplined under this article, the costs of investigation, prosecution, and adjudication of the disciplinary action \* \* \*; or

(k) Has violated Section 1 of this act.

(2) Notice shall be effected by registered mail or personal service setting forth the particular reasons for the proposed action and fixing a date not less than thirty (30) days nor more than sixty (60) days from the date of the mailing or that service, at which time the applicant or licensee shall be given an opportunity for a prompt and fair hearing. For the purpose of the hearing, the board, acting by and through its executive secretary, may subpoena persons and papers on its own behalf and on behalf of the applicant or licensee, may administer oaths and may take testimony. That testimony, when properly transcribed, together with the papers and exhibits, shall be admissible in evidence for or against the applicant or licensee. At the hearing, the applicant or licensee may appear by counsel and personally in his or her own behalf. Any person sworn and examined by a witness in the hearing shall not be held to answer criminally, nor shall any papers or documents produced by the witness be competent evidence



351 in any criminal proceedings against the witness other than for  
352 perjury in delivering his or her evidence. On the basis of any  
353 such hearing, or upon default of applicant or licensee, the board  
354 shall make a determination specifying its findings of fact and  
355 conclusions of law. A copy of that determination shall be sent by  
356 registered mail or served personally upon the applicant or  
357 licensee. The decision of the board denying, revoking or  
358 suspending the license shall become final thirty (30) days after  
359 so mailed or served, unless within that period the applicant or  
360 licensee appeals the decision to the chancery court, under the  
361 provisions hereof, and the proceedings in chancery shall be  
362 conducted as other matters coming before the court. All  
363 proceedings and evidence, together with exhibits, presented at the  
364 hearing before the board shall be admissible in evidence in court  
365 in the appeal.

366 (3) The board may subpoena persons and papers on its own  
367 behalf and on behalf of the respondent, may administer oaths and  
368 may compel the testimony of witnesses. It may issue commissions  
369 to take testimony, and testimony so taken and sworn to shall be  
370 admissible in evidence for and against the respondent. The board  
371 shall be entitled to the assistance of the chancery court or the  
372 chancellor in vacation, which, on petition by the board, shall  
373 issue ancillary subpoenas and petitions and may punish as for  
374 contempt of court in the event of noncompliance therewith.



375           (4) Every order and judgment of the board shall take effect  
376 immediately on its promulgation unless the board in the order or  
377 judgment fixes a probationary period for the applicant or  
378 licensee. The order and judgment shall continue in effect unless  
379 upon appeal the court by proper order or decree terminates it  
380 earlier. The board may make public its order and judgments in  
381 any manner and form as it deems proper. It shall, in event of the  
382 suspension or revocation of a license, direct the clerk of the  
383 circuit court of the county in which that license was recorded to  
384 cancel that record.

385           (5) Nothing in this section shall be construed as limiting  
386 or revoking the authority of any court or of any licensing or  
387 registering officer or board, other than the Mississippi Board of  
388 Psychology, to suspend, revoke and reinstate licenses and to  
389 cancel registrations under the provisions of Section 41-29-311.

390           (6) Suspension by the board of the license of a psychologist  
391 shall be for a period not exceeding one (1) year. At the end of  
392 this period the board shall reevaluate the suspension, and shall  
393 either reinstate or revoke the license. A person whose license  
394 has been revoked under the provisions of this section may reapply  
395 for a license after more than two (2) years have elapsed from the  
396 date that the denial or revocation is legally effective.

397           (7) In addition to the reasons specified in subsection (1)  
398 of this section, the board shall be authorized to suspend the  
399 license of any licensee for being out of compliance with an order





for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(8) The board may issue a nondisciplinary, educational letter to licensees as provided in Section 73-31-7(2)(g). The board may also direct a psychologist to obtain a formal assessment of ability to practice safely if there is reason to believe there may be impairment due to substance abuse or mental incapacity. Licensees who may be impaired, but who are able to practice safely, may be required by the board to seek appropriate treatment and/or supervision. That action by the board in itself will not be considered disciplinary.



(9) The board may discipline any person who has been granted the authority to practice interjurisdictional telepsychology or the temporary authorization to practice under the Psychology Interjurisdictional Compact provided for under Section 73-31-51, for any of the grounds specified in subsection (1) of this section in the same manner as the board disciplines a licensed psychologist under this section.

**SECTION 7.** Section 73-25-29, Mississippi Code of 1972, is amended as follows:

73-25-29. The grounds for the nonissuance, suspension, revocation or restriction of a license or the denial of reinstatement or renewal of a license are:

(1) Habitual personal use of narcotic drugs, or any other drug having addiction-forming or addiction-sustaining liability.

(2) Habitual use of intoxicating liquors, or any beverage, to an extent which affects professional competency.

(3) Administering, dispensing or prescribing any narcotic drug, or any other drug having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice.

(4) Conviction of violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or any drug considered a controlled substance under state or federal law, a certified copy of the conviction order or judgment



rendered by the trial court being prima facie evidence thereof,  
notwithstanding the pendency of any appeal.

(5) Procuring, or attempting to procure, or aiding in,  
an abortion that is not medically indicated.

(6) Conviction of a felony or misdemeanor involving  
moral turpitude, a certified copy of the conviction order or  
judgment rendered by the trial court being prima facie evidence  
thereof, notwithstanding the pendency of any appeal.

(7) Obtaining or attempting to obtain a license by  
fraud or deception.

(8) Unprofessional conduct, which includes, but is not  
limited to:

(a) Practicing medicine under a false or assumed  
name or impersonating another practitioner, living or dead.

(b) Knowingly performing any act which in any way  
assists an unlicensed person to practice medicine.

(c) Making or willfully causing to be made any  
flamboyant claims concerning the licensee's professional  
excellence.

(d) Being guilty of any dishonorable or unethical  
conduct likely to deceive, defraud or harm the public.

(e) Obtaining a fee as personal compensation or  
gain from a person on fraudulent representation of a disease or  
injury condition generally considered incurable by competent  
medical authority in the light of current scientific knowledge and



practice can be cured or offering, undertaking, attempting or agreeing to cure or treat the same by a secret method, which he refuses to divulge to the board upon request.

(f) Use of any false, fraudulent or forged statement or document, or the use of any fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, including the signing in his professional capacity any certificate that is known to be false at the time he makes or signs such certificate.

(g) Failing to identify a physician's school of practice in all professional uses of his name by use of his earned degree or a description of his school of practice.

(h) Violating Section 1 of this act.

(9) The refusal of a licensing authority of another state or jurisdiction to issue or renew a license, permit or certificate to practice medicine in that jurisdiction or the revocation, suspension or other restriction imposed on a license, permit or certificate issued by such licensing authority which prevents or restricts practice in that jurisdiction, a certified copy of the disciplinary order or action taken by the other state or jurisdiction being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(10) Surrender of a license or authorization to practice medicine in another state or jurisdiction or surrender of membership on any medical staff or in any medical or professional



association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this section.

(11) Final sanctions imposed by the United States Department of Health and Human Services, Office of Inspector General or any successor federal agency or office, based upon a finding of incompetency, gross misconduct or failure to meet professionally recognized standards of health care; a certified copy of the notice of final sanction being prima facie evidence thereof. As used in this paragraph, the term "final sanction" means the written notice to a physician from the United States Department of Health and Human Services, Officer of Inspector General or any successor federal agency or office, which implements the exclusion.

(12) Failure to furnish the board, its investigators or representatives information legally requested by the board.

(13) Violation of any provision(s) of the Medical Practice Act or the rules and regulations of the board or of any order, stipulation or agreement with the board.

(14) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners.



523           (15) Performing or inducing an abortion on a woman in  
524 violation of any provision of Sections 41-41-131 through  
525 41-41-145.

526           (16) Performing an abortion on a pregnant woman after  
527 determining that the unborn human individual that the pregnant  
528 woman is carrying has a detectable fetal heartbeat as provided in  
529 Section 41-41-34.1.

530           (17) Violation(s) of any provision of Title 41, Chapter  
531 141, Mississippi Code of 1972.

532           In addition to the grounds specified above, the board shall  
533 be authorized to suspend the license of any licensee for being out  
534 of compliance with an order for support, as defined in Section  
535 93-11-153. The procedure for suspension of a license for being  
536 out of compliance with an order for support, and the procedure for  
537 the reissuance or reinstatement of a license suspended for that  
538 purpose, and the payment of any fees for the reissuance or  
539 reinstatement of a license suspended for that purpose, shall be  
540 governed by Section 93-11-157 or 93-11-163, as the case may be.  
541 If there is any conflict between any provision of Section  
542 93-11-157 or 93-11-163 and any provision of this chapter, the  
543 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
544 shall control.

545           A physician who provides a written certification as  
546 authorized under the Mississippi Medical Cannabis Act and in  
547 compliance with rules and regulations adopted thereunder shall not



be subject to any disciplinary action under this section solely due to providing the written certification.

**SECTION 8.** Section 97-3-97, Mississippi Code of 1972, is brought forward as follows:

97-3-97. For purposes of Sections 97-3-95 through 97-3-103 the following words shall have the meaning ascribed herein unless the context otherwise requires:

(a) "Sexual penetration" includes cunnilingus, fellatio, buggery or pederasty, any penetration of the genital or anal openings of another person's body by any part of a person's body, and insertion of any object into the genital or anal openings of another person's body.

(b) A "mentally defective person" is one who suffers from a mental disease, defect or condition which renders that person temporarily or permanently incapable of knowing the nature and quality of his or her conduct.

(c) A "mentally incapacitated person" is one rendered incapable of knowing or controlling his or her conduct, or incapable of resisting an act due to the influence of any drug, narcotic, anesthetic, or other substance administered to that person without his or her consent.

(d) A "physically helpless person" is one who is unconscious or one who for any other reason is physically incapable of communicating an unwillingness to engage in an act.



572           **SECTION 9.** Section 97-3-101, Mississippi Code of 1972, is  
573 brought forward as follows:

574           97-3-101. (1) Every person who shall be convicted of sexual  
575 battery under Section 97-3-95(1)(a), (b) or (2) shall be  
576 imprisoned in the State Penitentiary for a period of not more than  
577 thirty (30) years, and for a second or subsequent such offense  
578 shall be imprisoned in the Penitentiary for not more than forty  
579 (40) years.

580           (2) (a) Every person who shall be convicted of sexual  
581 battery under Section 97-3-95(1)(c) who is at least eighteen (18)  
582 but under twenty-one (21) years of age shall be imprisoned for not  
583 more than five (5) years in the State Penitentiary or fined not  
584 more than Five Thousand Dollars (\$5,000.00), or both;

585           (b) Every person who shall be convicted of sexual  
586 battery under Section 97-3-95(1)(c) who is twenty-one (21) years  
587 of age or older shall be imprisoned not more than thirty (30)  
588 years in the State Penitentiary or fined not more than Ten  
589 Thousand Dollars (\$10,000.00), or both, for the first offense, and  
590 not more than forty (40) years in the State Penitentiary for each  
591 subsequent offense.

592           (3) Every person who shall be convicted of sexual battery  
593 under Section 97-3-95(1)(d) who is eighteen (18) years of age or  
594 older shall be imprisoned for life in the State Penitentiary or  
595 such lesser term of imprisonment as the court may determine, but  
596 not less than twenty (20) years.





597           (4) Every person who shall be convicted of sexual battery  
598 who is thirteen (13) years of age or older but under eighteen (18)  
599 years of age shall be sentenced to such imprisonment, fine or  
600 other sentence as the court, in its discretion, may determine.

601           (5) (a) Upon conviction under this section, the court may  
602 issue a criminal sexual assault protection order prohibiting the  
603 offender from any contact with the victim, without regard to the  
604 relationship between the victim and offender. The court may  
605 include in a criminal sexual assault protection order any relief  
606 available under Section 93-21-15. The term of a criminal sexual  
607 assault protection order shall be for a time period determined by  
608 the court, but all orders shall, at a minimum, remain in effect  
609 for a period of two (2) years following the expiration of any  
610 sentence of imprisonment and subsequent period of community  
611 supervision, conditional release, probation, or parole. Upon  
612 issuance of a criminal sexual assault protection order, the clerk  
613 of the issuing court shall enter the order in the Mississippi  
614 Protection Order Registry within twenty-four (24) hours of  
615 issuance with no exceptions for weekends or holidays as provided  
616 in Section 93-21-25, and a copy must be provided to both the  
617 victim and offender.

618           (b) Criminal sexual assault protection orders shall be  
619 issued on the standardized form developed by the Office of the  
620 Attorney General.



(c) It is a misdemeanor to knowingly violate any condition of a criminal sexual assault protection order. Upon conviction for a violation, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both. Any sentence imposed for the violation of a criminal sexual assault protection order shall run consecutively to any other sentences imposed on the offender. The court may extend the criminal sexual assault protection order for a period of one (1) year for each violation. The incarceration of a person at the time of the violation is not a bar to prosecution under this section. Nothing in this subsection shall be construed to prohibit the imposition of any other penalties or disciplinary action otherwise allowed by law or policy.

**SECTION 10.** In addition to any other immunity provided by law, any person or entity who reports abuse, neglect and/or commercial sexual exploitation or human trafficking or any other form of sexual battery or rape regardless of when the incident occurred or the age of the victim when the person or entity learns of such, shall be presumed to be acting in good faith; and be immune from civil and criminal liability arising from the act of reporting that might otherwise be incurred for such reporting.

**SECTION 11.** (1) Any person who is listed as a mandatory reporter or any other person or entity that learns in their professional capacity that an adult was sexually, emotionally or



physically abused as a child by a person who is associated with the mandatory reporter, the person or the entity shall report the abuse.

(2) Any person who reports abuse as required by subsection (1) of this section shall be immune from liability which may be incurred by the act of reporting or disclosing confidential information.

**SECTION 12.** Section 43-21-353, Mississippi Code of 1972, is amended as follows:

43-21-353. (1) Any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, public or private school employee or any other person having reasonable cause to suspect that a child is a neglected child, an abused child, or a victim of commercial sexual exploitation or human trafficking shall cause an oral report to be made immediately by telephone or otherwise and followed as soon thereafter as possible by a report in writing to the Department of Child Protection Services, and immediately a referral shall be made by the Department of Child Protection Services to the youth court intake unit, which unit shall promptly comply with Section 43-21-357. In the course of an investigation, at the initial time of contact with the individual(s) about whom a report has been made under this Youth Court Act or with the individual(s) responsible for the health or welfare of a child about whom a



671 report has been made under this chapter, the Department of Child  
672 Protection Services shall inform the individual of the specific  
673 complaints or allegations made against the individual. Consistent  
674 with subsection (4), the identity of the person who reported his  
675 or her suspicion shall not be disclosed at that point. Where  
676 appropriate, the Department of Child Protection Services shall  
677 additionally make a referral to the youth court prosecutor.

678       Upon receiving a report that a child has been sexually  
679 abused, is a victim of commercial sexual exploitation or human  
680 trafficking or has been burned, tortured, mutilated or otherwise  
681 physically abused in such a manner as to cause serious bodily  
682 harm, or upon receiving any report of abuse that would be a felony  
683 under state or federal law, the Department of Child Protection  
684 Services shall immediately notify the law enforcement agency in  
685 whose jurisdiction the abuse occurred. Within forty-eight (48)  
686 hours, the department must notify the appropriate prosecutor and  
687 the Statewide Human Trafficking Coordinator. The department shall  
688 have the duty to provide the law enforcement agency all the names  
689 and facts known at the time of the report; this duty shall be of a  
690 continuing nature. The law enforcement agency and the department  
691 shall investigate the reported abuse immediately and shall file a  
692 preliminary report with the appropriate prosecutor's office within  
693 twenty-four (24) hours and shall make additional reports as new or  
694 additional information or evidence becomes available. The  
695 department shall advise the clerk of the youth court and the youth



696 court prosecutor of all cases of abuse reported to the department  
697 within seventy-two (72) hours and shall update such report as  
698 information becomes available. In addition, if the Department of  
699 Child Protection Services determines that a parent or other person  
700 responsible for the care or welfare of an abused or neglected  
701 child maintains active duty status within the military, the  
702 department shall notify the applicable military installation  
703 family advocacy program that there is an allegation of abuse or  
704 neglect that relates to that child.

705 (2) Any report shall contain the names and addresses of the  
706 child and his parents or other persons responsible for his care,  
707 if known, the child's age, the nature and extent of the child's  
708 injuries, including any evidence of previous injuries, any other  
709 information that might be helpful in establishing the cause of the  
710 injury, and the identity of the perpetrator.

711 (3) The Department of Child Protection Services shall  
712 maintain a statewide incoming wide-area telephone service or  
713 similar service for the purpose of receiving reports of suspected  
714 cases of child abuse, commercial sexual exploitation or human  
715 trafficking; provided that any attorney, physician, dentist,  
716 intern, resident, nurse, psychologist, social worker, family  
717 protection worker, family protection specialist, child caregiver,  
718 minister, law enforcement officer or public or private school  
719 employee who is required to report under subsection (1) of this  
720 section shall report in the manner required in subsection (1).



(4) Reports of abuse, neglect and commercial sexual exploitation or human trafficking made under this chapter and the identity of the reporter are confidential except when the court in which the investigation report is filed, in its discretion, determines the testimony of the person reporting to be material to a judicial proceeding or when the identity of the reporter is released to law enforcement agencies and the appropriate prosecutor pursuant to subsection (1). Reports made under this section to any law enforcement agency or prosecutorial officer are for the purpose of criminal investigation and prosecution only and no information from these reports may be released to the public except as provided by Section 43-21-261. Disclosure of any information by the prosecutor shall be according to the Mississippi Uniform Rules of Circuit and County Court Procedure. The identity of the reporting party shall not be disclosed to anyone other than law enforcement officers or prosecutors without an order from the appropriate youth court. Any person disclosing any reports made under this section in a manner not expressly provided for in this section or Section 43-21-261 shall be guilty of a misdemeanor and subject to the penalties prescribed by Section 43-21-267. Notwithstanding the confidentiality of the reporter's identity under this section, the Department of Child Protection Services may disclose a reporter's identity to the appropriate law enforcement agency or prosecutor if the department has reason to suspect the reporter has made a fraudulent report,



and the Department of Child Protection Services must provide to the subject of the alleged fraudulent report written notification of the disclosure.

(5) All final dispositions of law enforcement investigations described in subsection (1) of this section shall be determined only by the appropriate prosecutor or court. All final dispositions of investigations by the Department of Child Protection Services as described in subsection (1) of this section shall be determined only by the youth court. Reports made under subsection (1) of this section by the Department of Child Protection Services to the law enforcement agency and to the district attorney's office shall include the following, if known to the department:

- (a) The name and address of the child;
- (b) The names and addresses of the parents;
- (c) The name and address of the suspected perpetrator;
- (d) The names and addresses of all witnesses, including the reporting party if a material witness to the abuse;
- (e) A brief statement of the facts indicating that the child has been abused, including whether the child experienced commercial sexual exploitation or human trafficking, and any other information from the agency files or known to the family protection worker or family protection specialist making the investigation, including medical records or other records, which



may assist law enforcement or the district attorney in  
investigating and/or prosecuting the case; and

(f) What, if any, action is being taken by the  
Department of Child Protection Services.

(6) In any investigation of a report made under this chapter  
of the abuse or neglect of a child as defined in Section  
43-21-105(1) or (m), the Department of Child Protection Services  
may request the appropriate law enforcement officer with  
jurisdiction to accompany the department in its investigation, and  
in such cases the law enforcement officer shall comply with such  
request.

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

(8) If a report is made directly to the Department of Child  
Protection Services that a child has been abused or neglected or  
experienced commercial sexual exploitation or human trafficking in  
an out-of-home setting, a referral shall be made immediately to  
the law enforcement agency in whose jurisdiction the abuse  
occurred and the department shall notify the district attorney's  
office and the Statewide Human Trafficking Coordinator within  
forty-eight (48) hours of such report. The Department of Child  
Protection Services shall investigate the out-of-home setting  
report of abuse or neglect to determine whether the child who is





the subject of the report, or other children in the same environment, comes within the jurisdiction of the youth court and shall report to the youth court the department's findings and recommendation as to whether the child who is the subject of the report or other children in the same environment require the protection of the youth court. The law enforcement agency shall investigate the reported abuse immediately and shall file a preliminary report with the district attorney's office within forty-eight (48) hours and shall make additional reports as new information or evidence becomes available. If the out-of-home setting is a licensed facility, an additional referral shall be made by the Department of Child Protection Services to the licensing agency. The licensing agency shall investigate the report and shall provide the department, the law enforcement agency and the district attorney's office with their written findings from such investigation as well as that licensing agency's recommendations and actions taken.

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



(10) Any person or entity who reports abuse, neglect and/or commercial sexual exploitation or human trafficking under this chapter is presumed to be acting in good faith. Any person or institution reporting in good faith shall be immune from civil and criminal liability that might otherwise be incurred.

**SECTION 13.** Section 97-3-54.1, Mississippi Code of 1972, is amended as follows:

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

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

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



844 or obtains by any means, or attempts to recruit, entice, harbor,  
845 transport, provide or obtain by any means, a minor, knowing that  
846 the minor will engage in commercial sexual activity, sexually  
847 explicit performance, or the production of sexually oriented  
848 material, or causes or attempts to cause a minor to engage in  
849 commercial sexual activity, sexually explicit performance, or the  
850 production of sexually oriented material, shall be guilty of  
851 procuring sexual servitude of a minor and shall be punished by  
852 commitment to the custody of the Department of Corrections for not  
853 less than twenty (20) years nor more than life in prison, or by a  
854 fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more  
855 than Five Hundred Thousand Dollars (\$500,000.00), or both. It is  
856 not a defense in a prosecution under this section that a minor  
857 consented to engage in the commercial sexual activity, sexually  
858 explicit performance, or the production of sexually oriented  
859 material, or that the defendant reasonably believed that the minor  
860 was eighteen (18) years of age or older.

861 (2) If the victim is not a minor, a person who is convicted  
862 of an offense set forth in subsection (1)(a) or (b) of this  
863 section shall be committed to the custody of the Department of  
864 Corrections for not less than two (2) years nor more than twenty  
865 (20) years, or by a fine of not less than Ten Thousand Dollars  
866 (\$10,000.00) nor more than One Hundred Thousand Dollars  
867 (\$100,000.00), or both. If the victim of the offense is a minor,  
868 a person who is convicted of an offense set forth in subsection



869 (1)(a) or (b) of this section shall be committed to the custody of  
870 the Department of Corrections for not less than twenty (20) years  
871 nor more than life in prison, or by a fine of not less than Twenty  
872 Thousand Dollars (\$20,000.00) nor more than One Hundred Thousand  
873 Dollars (\$100,000.00), or both.

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

876 (a) An agent of the enterprise knowingly engages in  
877 conduct that constitutes an offense under this chapter while  
878 acting within the scope of employment and for the benefit of the  
879 entity.

880 (b) An employee of the enterprise engages in conduct  
881 that constitutes an offense under this chapter and the commission  
882 of the offense was part of a pattern of illegal activity for the  
883 benefit of the enterprise, which an agent of the enterprise either  
884 knew was occurring or recklessly disregarded, and the agent failed  
885 to take effective action to stop the illegal activity.

886 (c) It is an affirmative defense to a prosecution of an  
887 enterprise that the enterprise had in place adequate procedures,  
888 including an effective complaint procedure, designed to prevent  
889 persons associated with the enterprise from engaging in the  
890 unlawful conduct and to promptly correct any violations of this  
891 chapter.

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



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

898 (4) In addition to the mandatory reporting provisions  
899 contained in Sections 43-21-353 and 97-5-51, any person who has  
900 reasonable cause to suspect that a minor under the age of eighteen  
901 (18) is a trafficked person shall immediately make a report of the  
902 suspected child abuse or neglect to the Department of Child  
903 Protection Services and to the Statewide Human Trafficking  
904 Coordinator. The Department of Child Protection Services or the  
905 Statewide Human Trafficking Coordinator, whichever is applicable,  
906 shall then immediately notify the law enforcement agency in the  
907 jurisdiction where the suspected child abuse, neglect or  
908 trafficking occurred as required in Section 43-21-353, and the  
909 department that received the report shall also commence an initial  
910 investigation into the suspected abuse or neglect as required in  
911 Section 43-21-353. The department that received such report shall  
912 provide an annual report to the Speaker of the Mississippi House  
913 of Representatives, the Lieutenant Governor, the Chairpersons of  
914 the House and Senate Judiciary Committees that includes the number  
915 of reports received, the number of cases screened in or out, the  
916 number of cases in which care and services were provided as a  
917 result of the report, and the type of care and services that were  
918 provided. A minor who has been identified as a victim of



trafficking shall not be liable for criminal activity in violation of this section. Any person or entity who reports abuse, neglect and/or commercial sexual exploitation or human trafficking under this chapter is presumed to be acting in good faith. Any person or institution reporting in good faith shall be immune from civil and criminal liability that might otherwise be incurred from such reporting.

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

- (a) Is a victim; and
- (b) Committed the offense under a reasonable apprehension created by a person that, if the defendant did not commit the act, the person would inflict serious harm on the defendant, a member of the defendant's family, or a close associate.

**SECTION 14.** Section 97-5-51, Mississippi Code of 1972, is brought forward as follows:

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

- (a) "Sex crime against a minor" means any offense under at least one (1) of the following statutes when committed by an adult against a minor who is under the age of sixteen (16):
  - (i) Section 97-3-65 relating to rape;
  - (ii) Section 97-3-71 relating to rape and assault with intent to ravish;



944 (iii) Section 97-3-95 relating to sexual battery;  
945 (iv) Section 97-5-23 relating to the touching of a  
946 child, mentally defective or incapacitated person or physically  
947 helpless person for lustful purposes;  
948 (v) Section 97-5-41 relating to the carnal  
949 knowledge of a stepchild, adopted child or child of a cohabiting  
950 partner;  
951 (vi) Section 97-5-33 relating to exploitation of  
952 children;  
953 (vii) Section 97-3-54.1(1)(c) relating to  
954 procuring sexual servitude of a minor;  
955 (viii) Section 43-47-18 relating to sexual abuse  
956 of a vulnerable person;  
957 (ix) Section 97-1-7 relating to the attempt to  
958 commit any of the offenses listed in this subsection;  
959 (x) Section 97-29-51 relating to procuring sexual  
960 services of a minor; and  
961 (xi) Section 43-47-18 and Section 43-47-19  
962 relating to sexual battery abuse of a vulnerable person who is a  
963 minor.  
964 (b) "Mandatory reporter" means any of the following  
965 individuals performing their occupational duties: health care  
966 practitioner, clergy member, teaching or child care provider, law  
967 enforcement officer, or commercial image processor.



968           (c) "Health care practitioner" means any individual who  
969 provides health care services, including a physician, surgeon,  
970 physical therapist, psychiatrist, psychologist, medical resident,  
971 medical intern, hospital staff member, licensed nurse, midwife and  
972 emergency medical technician or paramedic.

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

975           (e) "Teaching or child care provider" means anyone who  
976 provides training or supervision of a minor under the age of  
977 sixteen (16), including a teacher, teacher's aide, principal or  
978 staff member of a public or private school, social worker,  
979 probation officer, foster home parent, group home or other child  
980 care institutional staff member, personnel of residential home  
981 facilities, a licensed or unlicensed day care provider.

982           (f) "Commercial image processor" means any person who,  
983 for compensation: (i) develops exposed photographic film into  
984 negatives, slides or prints; (ii) makes prints from negatives or  
985 slides; or (iii) processes or stores digital media or images from  
986 any digital process, including, but not limited to, website  
987 applications, photography, live streaming of video, posting,  
988 creation of power points or any other means of intellectual  
989 property communication or media including conversion or  
990 manipulation of still shots or video into a digital show stored on  
991 a photography site or a media storage site.





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

996 (2) (a) **Mandatory reporter requirement.** A mandatory  
997 reporter shall make a report if it would be reasonable for the  
998 mandatory reporter to suspect that a sex crime against a minor has  
999 occurred.

1000 (b) Failure to file a mandatory report shall be  
1001 punished as provided in this section.

1002 (c) Reports made under this section and the identity of  
1003 the mandatory reporter are confidential except when the court  
1004 determines the testimony of the person reporting to be material to  
1005 a judicial proceeding or when the identity of the reporter is  
1006 released to law enforcement agencies and the appropriate  
1007 prosecutor. The identity of the reporting party shall not be  
1008 disclosed to anyone other than law enforcement or prosecutors  
1009 except under court order; violation of this requirement is a  
1010 misdemeanor. Reports made under this section are for the purpose  
1011 of criminal investigation and prosecution only and information  
1012 from these reports is not a public record. Disclosure of any  
1013 information by the prosecutor shall conform to the Mississippi  
1014 Uniform Rules of Circuit and County Court Procedure.

1015 (d) Any mandatory reporter who makes a required report  
1016 under this section or participates in a judicial proceeding



1017 resulting from a mandatory report shall be presumed to be acting  
1018 in good faith. Any person or institution reporting in good faith  
1019 shall be immune from any liability, civil or criminal, that might  
1020 otherwise be incurred or imposed.

1021 (3) (a) **Mandatory reporting procedure.** A report required  
1022 under subsection (2) must be made immediately to the law  
1023 enforcement agency in whose jurisdiction the reporter believes the  
1024 sex crime against the minor occurred. Except as otherwise  
1025 provided in this subsection (3), a mandatory reporter may not  
1026 delegate to any other person the responsibility to report, but  
1027 shall make the report personally.

1028 (i) The reporting requirement under this  
1029 subsection (3) is satisfied if a mandatory reporter in good faith  
1030 reports a suspected sex crime against a minor to the Department of  
1031 Child Protection Services under Section 43-21-353.

1032 (ii) The reporting requirement under this  
1033 subsection (3) is satisfied if a mandatory reporter reports a  
1034 suspected sex crime against a minor by following a reporting  
1035 procedure that is imposed:

1036 1. By state agency rule as part of licensure  
1037 of any person or entity holding a state license to provide  
1038 services that include the treatment or education of abused or  
1039 neglected children; or

1040 2. By statute.



1041                   (b) **Contents of the report.** The report shall identify,  
1042 to the extent known to the reporter, the following:

1043                   (i) The name and address of the minor victim;

1044                   (ii) The name and address of the minor's  
1045 caretaker;

1046                   (iii) Any other pertinent information known to the  
1047 reporter.

1048           (4) A law enforcement officer who receives a mandated report  
1049 under this section shall file an affidavit against the offender on  
1050 behalf of the State of Mississippi if there is probable cause to  
1051 believe that the offender has committed a sex crime against a  
1052 minor.

1053           (5) **Collection of forensic samples.** (a) (i) When an  
1054 abortion is performed on a minor who is less than fourteen (14)  
1055 years of age at the time of the abortion procedure, fetal tissue  
1056 extracted during the abortion shall be collected in accordance  
1057 with rules and regulations adopted pursuant to this section if it  
1058 would be reasonable to suspect that the pregnancy being terminated  
1059 is the result of a sex crime against a minor.

1060                   (ii) When a minor who is under sixteen (16) years  
1061 of age gives birth to an infant, umbilical cord blood shall be  
1062 collected, if possible, in accordance with rules and regulations  
1063 adopted pursuant to this section if it would be reasonable to  
1064 suspect that the minor's pregnancy resulted from a sex crime  
1065 against a minor.



1066 (iii) It shall be reasonable to suspect that a sex  
1067 crime against a minor has occurred if the mother of an infant was  
1068 less than sixteen (16) years of age at the time of conception and  
1069 at least one (1) of the following conditions also applies:

1070 1. The mother of the infant will not identify  
1071 the father of the infant;

1072 2. The mother of the infant lists the father  
1073 of the infant as unknown;

1074 3. The person the mother identifies as the  
1075 father of the infant disputes his fatherhood;

1076 4. The person the mother identifies as the  
1077 father of the infant is twenty-one (21) years of age or older; or

1078 5. The person the mother identifies as the  
1079 father is deceased.

1080 (b) The State Medical Examiner shall adopt rules and  
1081 regulations consistent with Section 99-49-1 that prescribe:

1082 (i) The amount and type of fetal tissue or  
1083 umbilical cord blood to be collected pursuant to this section;

1084 (ii) Procedures for the proper preservation of the  
1085 tissue or blood for the purpose of DNA testing and examination;

1086 (iii) Procedures for documenting the chain of  
1087 custody of such tissue or blood for use as evidence;

1088 (iv) Procedures for proper disposal of fetal  
1089 tissue or umbilical cord blood collected pursuant to this section;



1090 (v) A uniform reporting instrument mandated to be  
1091 utilized, which shall include the complete residence address and  
1092 name of the parent or legal guardian of the minor who is the  
1093 subject of the report required under this subsection (5); and

1094 (vi) Procedures for communication with law  
1095 enforcement agencies regarding evidence and information obtained  
1096 pursuant to this section.

1097 (6) **Penalties.** (a) A person who is convicted of a first  
1098 offense under this section shall be guilty of a misdemeanor and  
1099 fined not more than Five Hundred Dollars (\$500.00).

1100 (b) A person who is convicted of a second offense under  
1101 this section shall be guilty of a misdemeanor and fined not more  
1102 than One Thousand Dollars (\$1,000.00), or imprisoned for not more  
1103 than thirty (30) days, or both.

1104 (c) A person who is convicted of a third or subsequent  
1105 offense under this section shall be guilty of a misdemeanor and  
1106 fined not more than Five Thousand Dollars (\$5,000.00), or  
1107 imprisoned for not more than one (1) year, or both.

1108 (7) A health care practitioner or health care facility shall  
1109 be immune from any penalty, civil or criminal, for good-faith  
1110 compliance with any rules and regulations adopted pursuant to this  
1111 section.

1112 **SECTION 15.** This act shall take effect and be in force from  
1113 and after July 1, 2025.

