

By: Representative Felsher

To: Judiciary B

HOUSE BILL NO. 1188

1 AN ACT TO AMEND SECTION 43-21-355, MISSISSIPPI CODE OF 1972,
2 TO CREATE A CRIME FOR WILLFUL FALSE CLAIMS OF CHILD ABUSE; TO
3 AMEND SECTION 97-35-47, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
4 PAYMENTS TO THE DEPARTMENT OF CHILD PROTECTION SERVICES FOR FALSE
5 CLAIMS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-21-355, Mississippi Code of 1972, is
8 amended as follows:

9 43-21-355. (1) Any attorney, physician, dentist, intern,
10 resident, nurse, psychologist, social worker, family protection
11 worker, family protection specialist, child caregiver, minister,
12 law enforcement officer, school attendance officer, public school
13 district employee, nonpublic school employee, licensed
14 professional counselor or any other person participating in the
15 making of a required report pursuant to Section 43-21-353 or
16 participating in an investigation, evaluation or judicial
17 proceeding resulting from the report shall be presumed to be
18 acting in good faith. Any person or institution reporting or
19 participating in an investigation, evaluation or judicial



proceeding resulting from the report in good faith shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

(2) A report is false, and not in good faith under this section, when it is unsupported by any credible evidence and the person intentionally submitted the report knowing it was false.

(a) Anyone who willfully makes a false report shall be, upon being found guilty under Section 97-35-47, 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.

(b) In addition to any fine and imprisonment, and upon proper showing made to the court, the person may be ordered to pay as restitution to the law enforcement agency and/or the Department of Child Protection Services reimbursement for any reasonable costs directly related to the investigation of the false report.

(c) The Department of Child Protection Services or the Attorney General's office may prosecute claims for violations of the provisions of this section.

SECTION 2. Section 97-35-47, Mississippi Code of 1972, is amended as follows:

97-35-47. It shall be unlawful for any person to report a crime or any element of a crime, including an allegation of child abuse or neglect, to any law enforcement agency or officer, the Department of Child Protection Services, or any officer of any court, by any means, knowing that the report is false. A



violation of this section shall be punishable by imprisonment in the county jail not to exceed one (1) year or by fine not to exceed Five Thousand Dollars (\$5,000.00), or both. In addition to any fine and imprisonment, and upon proper showing made to the court, the defendant shall be ordered to pay as restitution to the law enforcement agency and/or the Department of Child Protection Services reimbursement for any reasonable costs directly related to the investigation of the falsely reported crime and the prosecution of any person convicted under this section.

A report is false under this section when it is unsupported by any credible evidence and the person intentionally submitted the report knowing it was false.

SECTION 3. This act shall take effect and be in force from and after July 1, 2025.

