

By: Senator(s) England

To: Judiciary, Division A

## SENATE BILL NO. 2467

1 AN ACT TO AMEND SECTION 43-21-353, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE DEPARTMENT OF CHILD PROTECTION SERVICES TO DEVELOP  
3 AND CERTIFY MANDATORY REPORTER TRAINING STATEWIDE BEFORE THE ANY  
4 TRAINING IS OFFERED; TO AMEND SECTION 43-21-355, MISSISSIPPI CODE  
5 OF 1972, TO PROVIDE THAT A REPORT IS FALSE WHEN IT IS UNSUPPORTED  
6 BY ANY CREDIBLE EVIDENCE AND THE PERSON INTENTIONALLY SUBMITTED  
7 THE REPORT KNOWING THAT IT WAS FALSE; TO PROVIDE A PENALTY FOR  
8 FALSE REPORTS; TO AUTHORIZE THE DEPARTMENT OF CHILD PROTECTION  
9 SERVICES OR THE ATTORNEY GENERAL TO PROSECUTE CLAIMS UNDER THIS  
10 SECTION; TO AMEND SECTION 97-35-47, MISSISSIPPI CODE OF 1972, TO  
11 AUTHORIZE THE DEPARTMENT OF CHILD PROTECTION SERVICES TO RECEIVE  
12 RESTITUTION; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 43-21-353, Mississippi Code of 1972, is  
15 amended as follows:

16 43-21-353. (1) Any attorney, physician, dentist, intern,  
17 resident, nurse, psychologist, social worker, family protection  
18 worker, family protection specialist, child caregiver, minister,  
19 law enforcement officer, public or private school employee or any  
20 other person having reasonable cause to suspect that a child is a  
21 neglected child, an abused child, or a victim of commercial sexual  
22 exploitation or human trafficking shall cause an oral report to be  
23 made immediately by telephone or otherwise and followed as soon



24 thereafter as possible by a report in writing to the Department of  
25 Child Protection Services, and immediately a referral shall be  
26 made by the Department of Child Protection Services to the youth  
27 court intake unit, which unit shall promptly comply with Section  
28 43-21-357. In the course of an investigation, at the initial time  
29 of contact with the individual(s) about whom a report has been  
30 made under this Youth Court Act or with the individual(s)  
31 responsible for the health or welfare of a child about whom a  
32 report has been made under this chapter, the Department of Child  
33 Protection Services shall inform the individual of the specific  
34 complaints or allegations made against the individual. Consistent  
35 with subsection (4), the identity of the person who reported his  
36 or her suspicion shall not be disclosed at that point. Where  
37 appropriate, the Department of Child Protection Services shall  
38 additionally make a referral to the youth court prosecutor.

39       Upon receiving a report that a child has been sexually  
40 abused, is a victim of commercial sexual exploitation or human  
41 trafficking or has been burned, tortured, mutilated or otherwise  
42 physically abused in such a manner as to cause serious bodily  
43 harm, or upon receiving any report of abuse that would be a felony  
44 under state or federal law, the Department of Child Protection  
45 Services shall immediately notify the law enforcement agency in  
46 whose jurisdiction the abuse occurred. Within forty-eight (48)  
47 hours, the department must notify the appropriate prosecutor and  
48 the Statewide Human Trafficking Coordinator. The department shall



49 have the duty to provide the law enforcement agency all the names  
50 and facts known at the time of the report; this duty shall be of a  
51 continuing nature. The law enforcement agency and the department  
52 shall investigate the reported abuse immediately and shall file a  
53 preliminary report with the appropriate prosecutor's office within  
54 twenty-four (24) hours and shall make additional reports as new or  
55 additional information or evidence becomes available. The  
56 department shall advise the clerk of the youth court and the youth  
57 court prosecutor of all cases of abuse reported to the department  
58 within seventy-two (72) hours and shall update such report as  
59 information becomes available. In addition, if the Department of  
60 Child Protection Services determines that a parent or other person  
61 responsible for the care or welfare of an abused or neglected  
62 child maintains active duty status within the military, the  
63 department shall notify the applicable military installation  
64 family advocacy program that there is an allegation of abuse or  
65 neglect that relates to that child.

66 (2) Any report shall contain the names and addresses of the  
67 child and his parents or other persons responsible for his care,  
68 if known, the child's age, the nature and extent of the child's  
69 injuries, including any evidence of previous injuries, any other  
70 information that might be helpful in establishing the cause of the  
71 injury, and the identity of the perpetrator.

72 (3) The Department of Child Protection Services shall  
73 maintain a statewide incoming wide-area telephone service or



74 similar service for the purpose of receiving reports of suspected  
75 cases of child abuse, commercial sexual exploitation or human  
76 trafficking; provided that any attorney, physician, dentist,  
77 intern, resident, nurse, psychologist, social worker, family  
78 protection worker, family protection specialist, child caregiver,  
79 minister, law enforcement officer or public or private school  
80 employee who is required to report under subsection (1) of this  
81 section shall report in the manner required in subsection (1).

82       (4) Reports of abuse, neglect and commercial sexual  
83 exploitation or human trafficking made under this chapter and the  
84 identity of the reporter are confidential except when the court in  
85 which the investigation report is filed, in its discretion,  
86 determines the testimony of the person reporting to be material to  
87 a judicial proceeding or when the identity of the reporter is  
88 released to law enforcement agencies and the appropriate  
89 prosecutor pursuant to subsection (1). Reports made under this  
90 section to any law enforcement agency or prosecutorial officer are  
91 for the purpose of criminal investigation and prosecution only and  
92 no information from these reports may be released to the public  
93 except as provided by Section 43-21-261. Disclosure of any  
94 information by the prosecutor shall be according to the  
95 Mississippi Uniform Rules of Circuit and County Court Procedure.  
96 The identity of the reporting party shall not be disclosed to  
97 anyone other than law enforcement officers or prosecutors without  
98 an order from the appropriate youth court. Any person disclosing



99 any reports made under this section in a manner not expressly  
100 provided for in this section or Section 43-21-261 shall be guilty  
101 of a misdemeanor and subject to the penalties prescribed by  
102 Section 43-21-267. Notwithstanding the confidentiality of the  
103 reporter's identity under this section, the Department of Child  
104 Protection Services may disclose a reporter's identity to the  
105 appropriate law enforcement agency or prosecutor if the department  
106 has reason to suspect the reporter has made a fraudulent report,  
107 and the Department of Child Protection Services must provide to  
108 the subject of the alleged fraudulent report written notification  
109 of the disclosure.

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

- 120 (a) The name and address of the child;
- 121 (b) The names and addresses of the parents;
- 122 (c) The name and address of the suspected perpetrator;



123 (d) The names and addresses of all witnesses, including  
124 the reporting party if a material witness to the abuse;

125 (e) A brief statement of the facts indicating that the  
126 child has been abused, including whether the child experienced  
127 commercial sexual exploitation or human trafficking, and any other  
128 information from the agency files or known to the family  
129 protection worker or family protection specialist making the  
130 investigation, including medical records or other records, which  
131 may assist law enforcement or the district attorney in  
132 investigating and/or prosecuting the case; and

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

135 (6) In any investigation of a report made under this chapter  
136 of the abuse or neglect of a child as defined in Section  
137 43-21-105(1) or (m), the Department of Child Protection Services  
138 may request the appropriate law enforcement officer with  
139 jurisdiction to accompany the department in its investigation, and  
140 in such cases the law enforcement officer shall comply with such  
141 request.

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

146 (8) If a report is made directly to the Department of Child  
147 Protection Services that a child has been abused or neglected or



148 experienced commercial sexual exploitation or human trafficking in  
149 an out-of-home setting, a referral shall be made immediately to  
150 the law enforcement agency in whose jurisdiction the abuse  
151 occurred and the department shall notify the district attorney's  
152 office and the Statewide Human Trafficking Coordinator within  
153 forty-eight (48) hours of such report. The Department of Child  
154 Protection Services shall investigate the out-of-home setting  
155 report of abuse or neglect to determine whether the child who is  
156 the subject of the report, or other children in the same  
157 environment, comes within the jurisdiction of the youth court and  
158 shall report to the youth court the department's findings and  
159 recommendation as to whether the child who is the subject of the  
160 report or other children in the same environment require the  
161 protection of the youth court. The law enforcement agency shall  
162 investigate the reported abuse immediately and shall file a  
163 preliminary report with the district attorney's office within  
164 forty-eight (48) hours and shall make additional reports as new  
165 information or evidence becomes available. If the out-of-home  
166 setting is a licensed facility, an additional referral shall be  
167 made by the Department of Child Protection Services to the  
168 licensing agency. The licensing agency shall investigate the  
169 report and shall provide the department, the law enforcement  
170 agency and the district attorney's office with their written  
171 findings from such investigation as well as that licensing  
172 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) All training materials and courses offered throughout the state to those required to report to the Department of Child Protection Services under this section shall be developed and certified by the department prior to being offered.

**SECTION 2.** Section 43-21-355, Mississippi Code of 1972, is amended as follows:

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

(a) Upon conviction under Section 97-35-47, any person who willfully makes a false report shall be 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 3.** 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 4.** This act shall take effect and be in force from and after July 1, 2025.

