

By: Representative Barker

To: Performance Based  
Budgeting

HOUSE BILL NO. 928

1 AN ACT TO AMEND SECTION 37-11-29, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE FOR THE COLLECTION OF DATA RELATED TO THE ARREST OF  
3 STUDENTS ON SCHOOL PROPERTY; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 37-11-29, Mississippi Code of 1972, is  
6 amended as follows:

7 37-11-29. (1) Any principal, teacher or other school  
8 employee who has knowledge of any unlawful activity which occurred  
9 on educational property or during a school related activity or  
10 which may have occurred shall report such activity to the  
11 superintendent of the school district or his designee who shall  
12 notify the appropriate law enforcement officials as required by  
13 this section. In the event of an emergency or if the  
14 superintendent or his designee is unavailable, any principal may  
15 make a report required under this subsection.

16 (2) Whenever any person who shall be an enrolled student in  
17 any school or educational institution in this state supported in  
18 whole or in part by public funds, or who shall be an enrolled



19 student in any private school or educational institution, is  
20 arrested for, and lawfully charged with, the commission of any  
21 crime and convicted upon the charge for which he was arrested, or  
22 convicted of any crime charged against him after his arrest and  
23 before trial, the office or law enforcement department of which  
24 the arresting officer is a member, and the justice court judge and  
25 any circuit judge or court before whom such student is tried upon  
26 said charge or charges, shall make or cause to be made a report  
27 thereof to the superintendent or the president or chancellor, as  
28 the case may be, of the school district or other educational  
29 institution in which such student is enrolled.

30 If the charge upon which such student was arrested, or any  
31 other charges preferred against him are dismissed or nol prossed,  
32 or if upon trial he is either convicted or acquitted of such  
33 charge or charges, same shall be reported to said respective  
34 superintendent or president, or chancellor, as the case may be. A  
35 copy of said report shall be sent to the Secretary of the Board of  
36 Trustees of State Institutions of Higher Learning of the State of  
37 Mississippi, at Jackson, Mississippi.

38 Said report shall be made within one (1) week after the  
39 arrest of such student and within one (1) week after any charge  
40 placed against him is dismissed or nol prossed, and within one (1)  
41 week after he shall have pled guilty, been convicted, or have been  
42 acquitted by trial upon any charge placed against him. This



43 section shall not apply to ordinary traffic violations involving a  
44 penalty of less than Fifty Dollars (\$50.00) and costs.

45 The State Superintendent of Public Education shall gather  
46 annually all of the reports provided under this section and  
47 prepare a report on the number of students arrested as a result of  
48 any unlawful activity which occurred on educational property or  
49 during a school-related activity. All data must be disaggregated  
50 by race, ethnicity, gender, school, offense and law enforcement  
51 agency involved.

52 On or before January 1 of each year, the State Superintendent  
53 of Public Education shall report to the Governor, the Lieutenant  
54 Governor, the Speaker of the House of Representatives and the  
55 Joint PEER Committee on this section. The report must include  
56 data regarding arrests as a result of any unlawful activity which  
57 occurred on educational property or during a school-related  
58 activity.

59 (3) When the superintendent or his designee has a reasonable  
60 belief that an act has occurred on educational property or during  
61 a school related activity involving any of the offenses set forth  
62 in subsection (6) of this section, the superintendent or his  
63 designee shall immediately report the act to the appropriate local  
64 law enforcement agency. For purposes of this subsection, "school  
65 property" shall include any public school building, bus, public  
66 school campus, grounds, recreational area or athletic field in the  
67 charge of the superintendent. The State Board of Education shall



68 prescribe a form for making reports required under this  
69 subsection. Any superintendent or his designee who fails to make  
70 a report required by this section shall be subject to the  
71 penalties provided in Section 37-11-35.

72 (4) The law enforcement authority shall immediately dispatch  
73 an officer to the educational institution and with probable cause  
74 the officer is authorized to make an arrest if necessary as  
75 provided in Section 99-3-7.

76 (5) Any superintendent, principal, teacher or other school  
77 personnel participating in the making of a required report  
78 pursuant to this section or participating in any judicial  
79 proceeding resulting therefrom shall be presumed to be acting in  
80 good faith. Any person reporting in good faith shall be immune  
81 from any civil liability that might otherwise be incurred or  
82 imposed.

83 (6) For purposes of this section, "unlawful activity" means  
84 any of the following:

85 (a) Possession or use of a deadly weapon, as defined in  
86 Section 97-37-1;

87 (b) Possession, sale or use of any controlled  
88 substance;

89 (c) Aggravated assault, as defined in Section 97-3-7;

90 (d) Simple assault, as defined in Section 97-3-7, upon  
91 any school employee;

92 (e) Rape, as defined under Mississippi law;



93           (f) Sexual battery, as defined under Mississippi law;  
94           (g) Murder, as defined under Mississippi law;  
95           (h) Kidnapping, as defined under Mississippi law; or  
96           (i) Fondling, touching, handling, etc., a child for  
97 lustful purposes, as defined in Section 97-5-23.

98           **SECTION 2.** This act shall take effect and be in force from  
99 and after July 1, 2016.

