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To: Judiciary B

HOUSE BILL NO. 571  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 97-29-49, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THAT A MINOR UNDER THE AGE OF 18 CANNOT BE CHARGED WITH  
3 THE CRIME OF PROSTITUTION; TO AUTHORIZE A LAW ENFORCEMENT OFFICER  
4 WHO ENCOUNTERS A MINOR WHO THE OFFICER HAS REASONABLE CAUSE TO  
5 SUSPECT IS ENGAGING IN PROSTITUTION TO ACT IN ACCORDANCE WITH THE  
6 YOUTH COURT ACT TO OBTAIN CUSTODY OF SUCH MINOR; TO AMEND SECTION  
7 43-15-13, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF  
8 CHILD PROTECTION SERVICES TO DOCUMENT CHILDREN WHO HAVE  
9 EXPERIENCED COMMERCIAL SEXUAL EXPLOITATION OR HUMAN TRAFFICKING;  
10 TO REQUIRE THE DEPARTMENT OF CHILD PROTECTION SERVICES TO PROVIDE  
11 TRAINING ON HOW TO HANDLE VICTIMS OF COMMERCIAL SEXUAL  
12 EXPLOITATION AND HUMAN TRAFFICKING TO ITS FAMILY PROTECTION  
13 SPECIALISTS, WORKERS AND FOSTER PARENTS; TO REQUIRE THE DEPARTMENT  
14 OF CHILD PROTECTION SERVICES TO CREATE POLICY AND PROCEDURES THAT  
15 PROVIDE COUNSELING AND APPROPRIATE SERVICES TO CHILDREN WHO HAVE  
16 BEEN VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION OR HUMAN  
17 TRAFFICKING; TO AMEND SECTION 43-15-51, MISSISSIPPI CODE OF 1972,  
18 TO INCLUDE COMMERCIAL SEXUAL EXPLOITATION AND HUMAN TRAFFICKING IN  
19 THE RESPONSIBILITIES FOR MULTIDISCIPLINARY CHILD PROTECTION TEAMS;  
20 TO INCLUDE THE DEPARTMENT OF CHILD PROTECTION SERVICES AND THE  
21 HUMAN TRAFFICKING COORDINATOR AS MEMBERS OF THE MULTIDISCIPLINARY  
22 TEAM; TO AMEND SECTION 97-3-54.1, MISSISSIPPI CODE OF 1972, TO  
23 REQUIRE THE DEPARTMENT OF CHILD PROTECTION SERVICES TO INVESTIGATE  
24 AND PROVIDE ANNUAL REPORTS OF COMPLAINTS OF COMMERCIAL SEXUAL  
25 EXPLOITATION AND HUMAN TRAFFICKING; TO AMEND SECTION 43-21-353,  
26 MISSISSIPPI CODE OF 1972, TO INCLUDE THE DEPARTMENT OF CHILD  
27 PROTECTION SERVICES AS AN AGENCY TO BE CONTACTED IN THE MANDATORY  
28 REPORTING PROVISIONS; TO REQUIRE THE LAW ENFORCEMENT AGENCY TO ADD  
29 THE STATE HUMAN TRAFFICKING COORDINATOR AS A CONTACT; TO AMEND  
30 SECTION 43-21-105, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT AN  
31 ABUSED CHILD INCLUDES A VICTIM OF COMMERCIAL SEXUAL EXPLOITATION  
32 OR HUMAN TRAFFICKING; TO AMEND SECTION 97-5-51, MISSISSIPPI CODE  
33 OF 1972, TO REVISE THE LIST OF SEX CRIMES AGAINST A MINOR FOR THE  
34 PROVISIONS OF LAW REGULATING MANDATORY REPORTING OF SEX CRIMES



35 AGAINST MINORS TO CONFORM TO THE PRECEDING SECTIONS; TO AMEND  
36 SECTION 19-5-353, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT THE  
37 STANDARDS AND TRAINING FOR 911 TELECOMMUNICATORS INCLUDE RECEIVING  
38 AND RESPONDING TO COMPLAINTS OF HUMAN TRAFFICKING AND COMMERCIAL  
39 SEXUAL EXPLOITATION; TO AMEND SECTION 45-6-7, MISSISSIPPI CODE OF  
40 1972, TO REQUIRE THE BOARD ON LAW ENFORCEMENT STANDARDS AND  
41 TRAINING TO INCLUDE IDENTIFICATION, RESPONSE AND SUPPORT OF  
42 VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION;  
43 TO AMEND SECTIONS 97-3-54.8 AND 97-3-54.9, MISSISSIPPI CODE OF  
44 1972, TO PROVIDE THAT THE STATEWIDE HUMAN TRAFFICKING COORDINATOR  
45 SHALL BE UNDER THE MISSISSIPPI BUREAU OF INVESTIGATION OF THE  
46 DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTIONS 43-1-55, 97-3-54.8,  
47 97-3-54.9 AND 43-47-7, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
48 PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

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

50 **SECTION 1.** Section 97-29-49, Mississippi Code of 1972, is  
51 amended as follows:

52 97-29-49. (1) A person who is eighteen (18) years of age or  
53 older commits the misdemeanor of prostitution if the person  
54 knowingly or intentionally performs, or offers or agrees to  
55 perform, sexual intercourse or sexual conduct for money or other  
56 property. "Sexual conduct" includes cunnilingus, fellatio,  
57 masturbation of another, anal intercourse or the causing of  
58 penetration to any extent and with any object or body part of the  
59 genital or anal opening of another.

60 (2) Any person violating the provisions of this section  
61 shall, upon conviction, be punished by a fine not exceeding Two  
62 Hundred Dollars (\$200.00) or by confinement in the county jail for  
63 not more than six (6) months, or both.

64 (3) In addition to the mandatory reporting provisions  
65 contained in Section 97-5-51, any law enforcement officer  
66 who \* \* \* encounters a minor under eighteen (18) years of



67 age \* \* \* and has reasonable cause to suspect that the minor has  
68 engaged in acts described in this section may take the minor into  
69 emergency custody in accordance with the requirements of the Youth  
70 Court Act for the purpose of obtaining an order of removal of the  
71 minor, and shall \* \* \* contact and make a report to the Department  
72 of Child Protection Services \* \* \* as required in Section  
73 43-21-353 for suspected child sexual abuse or neglect, and the  
74 department shall commence an initial investigation into suspected  
75 child sexual abuse or neglect as required in Section 43-21-353.

76 (4) If it is determined that a person suspected of or  
77 charged with engaging in prostitution is engaging in those acts as  
78 a direct result of being a trafficked person, as defined by  
79 Section 97-3-54.4, that person shall be immune from prosecution  
80 for prostitution as \* \* \* an adult \* \* \*. If the person suspected  
81 of engaging in acts that would constitute prostitution is under  
82 the age of eighteen (18) the provisions of Section 97-3-54.1(4)  
83 shall be applicable.

84 **SECTION 2.** Section 43-15-13, Mississippi Code of 1972, is  
85 amended as follows:

86 43-15-13. (1) For purposes of this section, "children"  
87 means persons found within the state who are under the age of  
88 twenty-one (21) years, and who were placed in the custody of the  
89 Department of Child Protection Services by the youth court of the  
90 appropriate county. For purposes of this chapter, "commercial  
91 sexual exploitation" means any sexual act or crime of a sexual



92 nature, which is committed against a child for financial or  
93 economic gain, to obtain a thing of value, for quid pro quo  
94 exchange of property or any other purpose.

95 (2) The Department of Child Protection Services shall  
96 establish a foster care placement program for children whose  
97 custody lies with the department, with the following objectives:

98 (a) Protecting and promoting the health, safety and  
99 welfare of children;

100 (b) Preventing the unnecessary separation of children  
101 from their families by identifying family problems, assisting  
102 families in resolving their problems and preventing the breakup of  
103 the family where the prevention of child removal is desirable and  
104 possible when the child can be cared for at home without  
105 endangering the child's health and safety;

106 (c) Remediating or assisting in the solution of problems  
107 that may result in the neglect, abuse, exploitation, commercial  
108 sexual exploitation, human trafficking or delinquency of children;

109 (d) Restoring to their families children who have been  
110 removed, by the provision of services to the child and the  
111 families when the child can be cared for at home without  
112 endangering the child's health and safety;

113 (e) Placing children in suitable adoptive homes  
114 approved by a licensed adoption agency or family protection  
115 specialist, in cases where restoration to the biological family is  
116 not safe, possible or appropriate;



117 (f) Assuring safe and adequate care of children away  
118 from their homes, in cases where the child cannot be returned home  
119 or cannot be placed for adoption, including temporary or emergency  
120 placement with a relative or fictive kin pending youth court  
121 action on the case. At the time of placement, the department  
122 shall implement concurrent planning, as described in subsection  
123 (8) of this section, so that permanency may occur at the earliest  
124 opportunity. Consideration of possible failure or delay of  
125 reunification should be given, to the end that the placement made  
126 is the best available placement to provide permanency for the  
127 child; and

128 (g) Providing a family protection specialist or worker  
129 or team of such specialists or workers for a family and child  
130 throughout the implementation of their permanent living  
131 arrangement plan. Wherever feasible, the same family protection  
132 specialist or worker or team shall remain on the case until the  
133 child is no longer under the jurisdiction of the youth court.

134 (3) The Department of Child Protection Services shall  
135 administer a system of individualized plans \* \* \*, reviews and  
136 reports once every six (6) months for each child under its custody  
137 within the State of Mississippi, which document each child who has  
138 been adjudged a neglected, abandoned or abused child, including a  
139 child alleged to have experienced commercial sexual exploitation  
140 and/or human trafficking and whose custody was changed by court  
141 order as a result of that adjudication, and each public or private



142 facility licensed by the department. The Department of Child  
143 Protection Services' administrative review shall be completed on  
144 each child within the first three (3) months and a relative  
145 placement, fictive kin placement, or foster care review once every  
146 six (6) months after the child's initial forty-eight-hour shelter  
147 hearing. That system shall be for the purpose of enhancing  
148 potential family life for the child by the development of  
149 individual plans to return the child to the child's natural parent  
150 or parents, or to refer the child to the appropriate court for  
151 termination of parental rights and placement in a permanent  
152 relative's home, adoptive home or foster/adoptive home. The goal  
153 of the Department of Child Protection Services shall be to return  
154 the child to the child's natural parent(s) or refer the child to  
155 the appropriate court for termination of parental rights and  
156 placement in a permanent relative's home, adoptive home or  
157 foster/adoptive home within the time periods specified in this  
158 subsection or in subsection (4) of this section. In furthering  
159 this goal, the department shall establish policy and procedures  
160 designed to appropriately place children in permanent homes,  
161 provide counseling services and other appropriate services to  
162 children who have been victims of commercial sexual exploitation  
163 or human trafficking. The policy \* \* \* shall include a system of  
164 reviews for all children in foster care, as follows: foster care  
165 counselors in the department shall make all possible contact with  
166 the child's natural parent(s), custodial parent(s) of all siblings



167 of the child, and any interested relative for the first two (2)  
168 months following the child's entry into the foster care system,  
169 and provide care for victims of commercial sexual exploitation or  
170 human trafficking. For purposes of contacting custodial parent(s)  
171 of a sibling, siblings include those who are considered a sibling  
172 under state law, and those who would have been considered a  
173 sibling under state law, except for termination or disruption of  
174 parental rights. For any child who has been in foster care for  
175 fifteen (15) of the last twenty-two (22) months regardless of  
176 whether the foster care was continuous for all of those twenty-two  
177 (22) months, the department shall file a petition to terminate the  
178 parental rights of the child's parents. The time period starts to  
179 run from the date the court makes a finding of abuse and/or  
180 neglect, or commercial sexual exploitation or human trafficking,  
181 or sixty (60) days from when the child was removed from his or her  
182 home, whichever is earlier. The department can choose not to file  
183 a termination of parental rights petition if the following apply:  
184           (a) The child is being cared for by a relative; and/or  
185           (b) The department has documented compelling and  
186 extraordinary reasons why termination of parental rights would not  
187 be in the best interests of the child. Before granting or denying  
188 a request by the department for an extension of time for filing a  
189 termination of parental rights action, the court shall receive a  
190 written report on the progress which a parent of the child has



191 made in treatment, to be made to the court in writing by a mental  
192 health/substance abuse therapist or counselor.

193 (4) In the case of any child who is placed in foster care on  
194 or after July 1, 1998, except in cases of aggravated circumstances  
195 prescribed in Section 43-21-603(7)(c), the child's natural  
196 parent(s) will have a reasonable time to be determined by the  
197 court, which shall not exceed a six-month period of time, in which  
198 to meet the service agreement with the department for the benefit  
199 of the child unless the department has documented extraordinary  
200 and compelling reasons for extending the time period in the best  
201 interest of the child. If this agreement has not been  
202 satisfactorily met, simultaneously the child will be referred to  
203 the appropriate court for termination of parental rights and  
204 placement in a permanent relative's home, adoptive home or a  
205 foster/adoptive home. For children under the age of three (3)  
206 years, termination of parental rights shall be initiated within  
207 six (6) months, unless the department has documented compelling  
208 and extraordinary circumstances, and placement in a permanent  
209 relative's home, adoptive home or foster/adoptive home within two  
210 (2) months. For children who have been abandoned under the  
211 provisions of Section 97-5-1, termination of parental rights shall  
212 be initiated within thirty (30) days and placement in an adoptive  
213 home shall be initiated without necessity for placement in a  
214 foster home. The department need not initiate termination of  
215 parental rights proceedings where the child has been placed in





216 durable legal custody, durable legal relative guardianship, or  
217 long-term or formalized foster care by a court of competent  
218 jurisdiction.

219 (5) The foster care review once every six (6) months shall  
220 be conducted by the youth court or its designee(s), and/or by  
221 personnel within the Department of Child Protection Services or by  
222 a designee or designees of the department and may include others  
223 appointed by the department, and the review shall include at a  
224 minimum an evaluation of the child based on the following:

225 (a) The extent of the care and support provided by the  
226 parents or parent while the child is in temporary custody;

227 (b) The extent of communication with the child by  
228 parents, parent or guardian;

229 (c) The degree of compliance by the agency and the  
230 parents with the social service plan established;

231 (d) The methods of achieving the goal and the plan  
232 establishing a permanent home for the child;

233 (e) Social services offered and/or utilized to  
234 facilitate plans for establishing a permanent home for the child;  
235 and

236 (f) Relevant testimony and recommendations from the  
237 foster parent of the child, the grandparents of the child, the  
238 guardian ad litem of the child, when appointed, the  
239 Court-Appointed Special Advocate (CASA) of the child,  
240 representatives of any private care agency that has cared for the



241 child, the family protection worker or family protection  
242 specialist assigned to the case, and any other relevant testimony  
243 pertaining to the case.

244 Each child's review plan once every six (6) months shall be  
245 filed with the court which awarded custody and shall be made  
246 available to natural parents or foster parents upon approval of  
247 the court. The court shall make a finding as to the degree of  
248 compliance by the agency and the parent(s) with the child's social  
249 service plan. The court also shall find that the child's health  
250 and safety are the paramount concern. In the interest of the  
251 child, the court shall, where appropriate, initiate proceedings on  
252 its own motion. The Department of Child Protection Services shall  
253 report to the Legislature as to the number of those children, the  
254 findings of the foster care review board and relevant statistical  
255 information in foster care in a semiannual report to the  
256 Legislature to be submitted to the Joint Oversight Committee of  
257 the Department of Child Protection Services. The report shall not  
258 refer to the specific name of any child in foster care.

259 (6) (a) The Department of Child Protection Services, with  
260 the cooperation and assistance of the State Department of Health,  
261 shall develop and implement a training program for foster care  
262 parents to indoctrinate them as to their proper responsibilities  
263 upon a child's entry into their foster care. The program shall  
264 provide a minimum of twelve (12) clock hours of training, which  
265 shall include training foster care parents about providing mental



266 and physical support to children who have experienced commercial  
267 sexual exploitation or human trafficking. The foster care  
268 training program shall be satisfactorily completed by such foster  
269 care parents before or within ninety (90) days after child  
270 placement with the parent. Record of the foster care parent's  
271 training program participation shall be filed with the court as  
272 part of a child's foster care review plan once every six (6)  
273 months.

274 (b) (i) The court may waive foster care training for  
275 an appropriate relative placement.

276 (ii) A relative exempted from foster care training  
277 is not eligible for board payments, foster care payments, kinship  
278 care payments, therapeutic care payments, or any other monthly  
279 payments from the department to assist in the care of the child.

280 (7) When the Department of Child Protection Services is  
281 considering placement of a child in a foster home and when the  
282 department deems it to be in the best interest of the child, the  
283 department shall give first priority to placing the child in the  
284 home of one (1) of the child's relatives within the third degree,  
285 as computed by the civil law rule.

286 (a) In placing the child in a relative's home, the  
287 department may waive any rule, regulation or policy applicable to  
288 placement in foster care that would otherwise require the child to  
289 have a separate bed or bedroom or have a bedroom of a certain  
290 size, if placing the child in a relative's home would be in the



291 best interest of the child and those requirements cannot be met in  
292 the relative's home.

293 (b) The court may waive foster care training for a  
294 relative only when appropriate.

295 (8) The Legislature recognizes that the best interests of  
296 the child require that the child be placed in the most permanent  
297 living arrangement as soon as is practicably possible. To achieve  
298 this goal, the Department of Child Protection Services is directed  
299 to conduct concurrent planning so that a permanent living  
300 arrangement may occur at the earliest opportunity. Permanent  
301 living arrangements may include prevention of placement of a child  
302 outside the home of the family when the child can be cared for at  
303 home without endangering the child's health or safety;  
304 reunification with the family, when safe and appropriate, if  
305 temporary placement is necessary; or movement of the child toward  
306 the most permanent living arrangement and permanent legal status.  
307 When a child is placed in foster care or relative care, the  
308 department shall first ensure and document that reasonable  
309 efforts, as defined in Section 43-21-105, were made to prevent or  
310 eliminate the need to remove the child from the child's home. The  
311 department's first priority shall be to make reasonable efforts to  
312 reunify the family when temporary placement of the child occurs or  
313 shall request a finding from the court that reasonable efforts are  
314 not appropriate or have been unsuccessful. A decision to place a  
315 child in foster care or relative care shall be made with



316 consideration of the child's health, safety and best interests.  
317 At the time of placement, consideration should also be given so  
318 that if reunification fails or is delayed, the placement made is  
319 the best available placement to provide a permanent living  
320 arrangement for the child. The department shall adopt rules  
321 addressing concurrent planning for reunification and a permanent  
322 living arrangement. The department shall consider the following  
323 factors when determining appropriateness of concurrent planning:

324 (a) The likelihood of prompt reunification;

325 (b) The past history of the family;

326 (c) The barriers to reunification being addressed by  
327 the family;

328 (d) The level of cooperation of the family;

329 (e) The foster parents' willingness to work with the  
330 family to reunite;

331 (f) The willingness and ability of the foster family or  
332 relative placement to provide an adoptive home or long-term  
333 placement;

334 (g) The age of the child; and

335 (h) Placement of siblings.

336 (9) If the department has placed a child in foster care or  
337 relative care under a court order, the department may not change  
338 the child's placement unless the department specifically documents  
339 to the court that the current placement is unsafe or unsuitable or  
340 that another placement is in the child's best interests unless the



341 new placement is in an adoptive home or other permanent placement.  
342 Except in emergency circumstances as determined by the department  
343 or where the court orders placement of the child under Section  
344 43-21-303, the foster parents, grandparents or other relatives of  
345 the child shall be given an opportunity to contest the specific  
346 reasons documented by the department at least seventy-two (72)  
347 hours before any such departure, and the court may conduct a  
348 review of that placement unless the new placement is in an  
349 adoptive home or other permanent placement. When a child is  
350 returned to foster care or relative care, the former foster  
351 parents or relative placement shall be given the prior right of  
352 return placement in order to eliminate additional trauma to the  
353 child.

354 (10) The Department of Child Protection Services shall  
355 provide the foster parents, grandparents or other relatives with  
356 at least a seventy-two-hour notice of departure for any child  
357 placed in their foster care or relative care, except in emergency  
358 circumstances as determined by the department or where the court  
359 orders placement of the child under Section 43-21-303. The  
360 parent/legal guardian, grandparents of the child, guardian ad  
361 litem and the court exercising jurisdiction shall be notified in  
362 writing when the child leaves foster care or relative care  
363 placement, regardless of whether the child's departure was planned  
364 or unplanned. The only exceptions to giving a written notice to  
365 the parent(s) are when a parent has voluntarily released the child



366 for adoption or the parent's legal rights to the child have been  
367 terminated through the appropriate court with jurisdiction.

368 (11) The Department of Child Protection Services shall  
369 extend the following rights to persons who provide foster care and  
370 relative care:

371 (a) A clear understanding of their role while providing  
372 care and the roles of the birth parent(s) and the placement agency  
373 in respect to the child in care;

374 (b) Respect, consideration, trust and value as a family  
375 who is making an important contribution to the agency's  
376 objectives;

377 (c) Involvement in all the agency's crucial decisions  
378 regarding the child as team members who have pertinent information  
379 based on their day-to-day knowledge of the child in care;

380 (d) Support from the family protection worker or the  
381 family protection specialist in efforts to do a better day-to-day  
382 job in caring for the child and in working to achieve the agency's  
383 objectives for the child and the birth family through provision  
384 of:

385 (i) Pertinent information about the child and the  
386 birth family;

387 (ii) Help in using appropriate resources to meet  
388 the child's needs, including counseling or other services for  
389 victims of commercial sexual exploitation or human trafficking;



390 (iii) Direct interviews between the family  
391 protection worker or specialist and the child, previously  
392 discussed and understood by the foster parents;

393 (iv) Information regarding whether the child  
394 experienced commercial sexual exploitation or human trafficking;

395 (e) The opportunity to develop confidence in making  
396 day-to-day decisions in regard to the child;

397 (f) The opportunity to learn and grow in their vocation  
398 through planned education in caring for the child;

399 (g) The opportunity to be heard regarding agency  
400 practices that they may question;

401 (h) Reimbursement for costs of the child's care in the  
402 form of a board payment based on the age of the child as  
403 prescribed in Section 43-15-17 unless the relative is exempt from  
404 foster care training and chooses to exercise the exemption; and

405 (i) Reimbursement for property damages caused by  
406 children in the custody of the Department of Child Protection  
407 Services in an amount not to exceed Five Hundred Dollars  
408 (\$500.00), as evidenced by written documentation. The Department  
409 of Child Protection Services shall not incur liability for any  
410 damages as a result of providing this reimbursement.

411 (12) The Department of Child Protection Services shall  
412 require the following responsibilities from participating persons  
413 who provide foster care and relative care:





414 (a) Understanding the department's function in regard  
415 to the foster care and relative care program and related social  
416 service programs;

417 (b) Sharing with the department any information which  
418 may contribute to the care of children;

419 (c) Functioning within the established goals and  
420 objectives to improve the general welfare of the child;

421 (d) Recognizing the problems in home placement that  
422 will require professional advice and assistance and that such help  
423 should be utilized to its full potential;

424 (e) Recognizing that the family who cares for the child  
425 will be one of the primary resources for preparing a child for any  
426 future plans that are made, including return to birth parent(s),  
427 termination of parental rights or reinstitutionalization;

428 (f) Expressing their views of agency practices which  
429 relate to the child with the appropriate staff member;

430 (g) Understanding that all information shared with the  
431 persons who provide foster care or relative care about the child  
432 and his/her birth parent(s) must be held in the strictest of  
433 confidence;

434 (h) Cooperating with any plan to reunite the child with  
435 his birth family and work with the birth family to achieve this  
436 goal; and

437 (i) Attending dispositional review hearings and  
438 termination of parental rights hearings conducted by a court of



439 competent jurisdiction, or providing their recommendations to the  
440 court in writing.

441 **SECTION 3.** Section 43-15-51, Mississippi Code of 1972, is  
442 amended as follows:

443 43-15-51. (1) The district attorneys \* \* \*, the Department  
444 of Human Services or the Department of Child Protection Services  
445 may initiate formal cooperative agreements with the appropriate  
446 agencies to create multidisciplinary child protection teams in  
447 order to implement a coordinated multidisciplinary team approach  
448 to intervention in reports involving alleged commercial sexual  
449 exploitation, human trafficking, or severe or potential felony  
450 child physical or sexual abuse, exploitation, or maltreatment.  
451 The multidisciplinary team also may be known as a child abuse task  
452 force. The purpose of the team or task force shall be to assist  
453 in the evaluation and investigation of reports and to provide  
454 consultation and coordination for agencies involved in child  
455 protection cases. The agencies to be included as members of the  
456 multidisciplinary team are: the district attorney's office, city  
457 and county law enforcement agencies, county attorneys, youth court  
458 prosecutors, the Human Trafficking Coordinator or his or her  
459 designee and other agencies as appropriate. The Department of  
460 Child Protection Services shall be included as a member of the  
461 multidisciplinary team if the department does not initiate  
462 creation of the team.



463 (2) To implement the multidisciplinary child abuse team, the  
464 team or task force must be authorized by court order from the  
465 appropriate youth court. The court order will designate which  
466 agencies will participate in the cooperative multidisciplinary  
467 team.

468 (3) (a) Teams created under this section may invite other  
469 persons to serve on the team who have knowledge of and experience  
470 in child abuse and neglect and commercial sexual exploitation and  
471 human trafficking matters. These persons may include licensed  
472 mental and physical health practitioners and physicians, dentists,  
473 representatives of the district attorney's office and the Attorney  
474 General's office, experts in the assessment and treatment of  
475 substance abuse or sexual abuse, the victim assistance coordinator  
476 of the district attorney's office \* \* \*, staff members of a child  
477 advocacy center and experts in providing services to commercial  
478 sexual exploitation and human trafficking victims.

479 (b) (i) A child advocacy center means an agency that  
480 advocates on behalf of children alleged to have been abused and  
481 assists in the coordination of the investigation of child abuse by  
482 providing a location for forensic interviews and promoting the  
483 coordination of services for children alleged to have been abused.  
484 A child advocacy center provides services that include, but are  
485 not limited to, forensic medical examinations, mental health and  
486 related support services, court advocacy, consultation, training



487 for social workers, law enforcement training, and child abuse  
488 multidisciplinary teams, and staffing of multidisciplinary teams.

489 (ii) Child advocacy centers may provide a  
490 video-taped forensic interview of the child in a child friendly  
491 environment or separate building. The purpose of the video-taped  
492 forensic interview is to prevent further trauma to a child in the  
493 investigation and prosecution of child physical and sexual abuse  
494 cases. Child advocacy centers can also assist child victims by  
495 providing therapeutic counseling subsequent to the interview by a  
496 qualified therapist. Child advocacy centers can also assist law  
497 enforcement and prosecutors by acquainting child victim witnesses  
498 and their parents or guardians to the courtroom through child  
499 court school programs.

500 (4) A team or task force created under this section shall  
501 review records on cases referred to the team by the Department of  
502 Human Services or law enforcement or the district attorney's  
503 office. The team shall meet at least monthly.

504 (5) No person shall disclose information obtained from a  
505 meeting of the multidisciplinary team unless necessary to comply  
506 with Department of Human Services' regulations or conduct and  
507 proceeding in youth court or criminal court proceedings or as  
508 authorized by a court of competent jurisdiction.

509 **SECTION 4.** Section 97-3-54.1, Mississippi Code of 1972, is  
510 amended as follows:



511           97-3-54.1. (1) (a) A person who coerces, recruits,  
512 entices, harbors, transports, provides or obtains by any means, or  
513 attempts to coerce, recruit, entice, harbor, transport, provide or  
514 obtain by any means, another person, intending or knowing that the  
515 person will be subjected to forced labor or services, or who  
516 benefits, whether financially or by receiving anything of value  
517 from participating in an enterprise that he knows or reasonably  
518 should have known has engaged in such acts, shall be guilty of the  
519 crime of human trafficking.

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

527           (c) A person who knowingly subjects, or attempts to  
528 subject, or who recruits, entices, harbors, transports, provides  
529 or obtains by any means, or attempts to recruit, entice, harbor,  
530 transport, provide or obtain by any means, a minor, knowing that  
531 the minor will engage in commercial sexual activity, sexually  
532 explicit performance, or the production of sexually oriented  
533 material, or causes or attempts to cause a minor to engage in  
534 commercial sexual activity, sexually explicit performance, or the  
535 production of sexually oriented material, shall be guilty of



536 procuring sexual servitude of a minor and shall be punished by  
537 commitment to the custody of the Department of Corrections for not  
538 less than five (5) nor more than thirty (30) years, or by a fine  
539 of not less than Fifty Thousand Dollars (\$50,000.00) nor more than  
540 Five Hundred Thousand Dollars (\$500,000.00), or both. It is not a  
541 defense in a prosecution under this section that a minor consented  
542 to engage in the commercial sexual activity, sexually explicit  
543 performance, or the production of sexually oriented material, or  
544 that the defendant reasonably believed that the minor was eighteen  
545 (18) years of age or older.

546 (2) If the victim is not a minor, a person who is convicted  
547 of an offense set forth in subsection (1)(a) or (b) of this  
548 section shall be committed to the custody of the Department of  
549 Corrections for not less than two (2) years nor more than twenty  
550 (20) years, or by a fine of not less than Ten Thousand Dollars  
551 (\$10,000.00) nor more than One Hundred Thousand Dollars  
552 (\$100,000.00), or both. If the victim of the offense is a minor,  
553 a person who is convicted of an offense set forth in subsection  
554 (1)(a) or (b) of this section shall be committed to the custody of  
555 the Department of Corrections for not less than five (5) years nor  
556 more than twenty (20) years, or by a fine of not less than Twenty  
557 Thousand Dollars (\$20,000.00) nor more than One Hundred Thousand  
558 Dollars (\$100,000.00), or both.

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



561 (a) An agent of the enterprise knowingly engages in  
562 conduct that constitutes an offense under this chapter while  
563 acting within the scope of employment and for the benefit of the  
564 entity.

565 (b) An employee of the enterprise engages in conduct  
566 that constitutes an offense under this chapter and the commission  
567 of the offense was part of a pattern of illegal activity for the  
568 benefit of the enterprise, which an agent of the enterprise either  
569 knew was occurring or recklessly disregarded, and the agent failed  
570 to take effective action to stop the illegal activity.

571 (c) It is an affirmative defense to a prosecution of an  
572 enterprise that the enterprise had in place adequate procedures,  
573 including an effective complaint procedure, designed to prevent  
574 persons associated with the enterprise from engaging in the  
575 unlawful conduct and to promptly correct any violations of this  
576 chapter.

577 (d) The court may consider the severity of the  
578 enterprise's offense and order penalties, including: (i) a fine  
579 of not more than One Million Dollars (\$1,000,000.00); (ii)  
580 disgorgement of profit; and (iii) debarment from government  
581 contracts. Additionally, the court may order any of the relief  
582 provided in Section 97-3-54.7.

583 (4) In addition to the mandatory reporting provisions  
584 contained in Sections 43-21-353 and 97-5-51, any person who has  
585 reasonable cause to suspect that a minor under the age of eighteen



586 (18) is a trafficked person shall immediately make a report of the  
587 suspected child abuse or neglect to the Department of Child  
588 Protection Services \* \* \* and to the Statewide Human Trafficking  
589 Coordinator. The Department of Child Protection Services \* \* \* or  
590 the Statewide Human Trafficking Coordinator, whichever is  
591 applicable, shall then immediately notify the law enforcement  
592 agency in the jurisdiction where the suspected child abuse \* \* \*  
593 neglect or trafficking occurred as required in Section 43-21-353,  
594 and the department that received the report shall also commence an  
595 initial investigation into the suspected abuse or neglect as  
596 required in Section 43-21-353. The department that received such  
597 report shall provide an annual report to the Speaker of the  
598 Mississippi House of Representatives, the Lieutenant Governor, the  
599 Chairpersons of the House and Senate Judiciary Committees that  
600 includes the number of reports received, the number of cases  
601 screened in or out, the number of cases in which care and services  
602 were provided as a result of the report, and the type of care and  
603 services that were provided. A minor who has been identified as a  
604 victim of trafficking shall not be liable for criminal activity in  
605 violation of this section.

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

608 (a) Is a victim; and

609 (b) Committed the offense under a reasonable

610 apprehension created by a person that, if the defendant did not





611 commit the act, the person would inflict serious harm on the  
612 defendant, a member of the defendant's family, or a close  
613 associate.

614         **SECTION 5.** Section 43-21-353, Mississippi Code of 1972, is  
615 amended as follows:

616         43-21-353. (1) Any attorney, physician, dentist, intern,  
617 resident, nurse, psychologist, social worker, family protection  
618 worker, family protection specialist, child caregiver, minister,  
619 law enforcement officer, public or private school employee or any  
620 other person having reasonable cause to suspect that a child is a  
621 neglected child, \* \* \* an abused child, a victim of commercial  
622 sexual exploitation or human trafficking shall cause an oral  
623 report to be made immediately by telephone or otherwise and  
624 followed as soon thereafter as possible by a report in writing to  
625 the Department of Child Protection Services \* \* \* and immediately  
626 a referral shall be made by the Department of Child Protection  
627 Services \* \* \* to the youth court intake unit, which unit shall  
628 promptly comply with Section 43-21-357. In the course of an  
629 investigation, at the initial time of contact with the  
630 individual(s) about whom a report has been made under this Youth  
631 Court Act or with the individual(s) responsible for the health or  
632 welfare of a child about whom a report has been made under this  
633 chapter, the Department of Child Protection Services \* \* \* shall  
634 inform the individual of the specific complaints or allegations  
635 made against the individual. Consistent with subsection (4), the



636 identity of the person who reported his or her suspicion shall not  
637 be disclosed. Where appropriate, the Department of Child  
638 Protection Services \* \* \* shall additionally make a referral to  
639 the youth court prosecutor.

640 Upon receiving a report that a child has been sexually  
641 abused, or a victim of commercial sexual exploitation or human  
642 trafficking, or burned, tortured, mutilated, or otherwise  
643 physically abused in such a manner as to cause serious bodily  
644 harm, or upon receiving any report of abuse that would be a felony  
645 under state or federal law, the department \* \* \* shall immediately  
646 notify the law enforcement agency in whose jurisdiction the abuse  
647 occurred. \* \* \* Within forty-eight (48) hours, the department  
648 shall notify the appropriate prosecutor \* \* \* and the Statewide  
649 Human Trafficking Coordinator. The department \* \* \* shall have  
650 the duty to provide the law enforcement agency all the names and  
651 facts known at the time of the report; this duty shall be of a  
652 continuing nature. The law enforcement agency and the  
653 department \* \* \* shall investigate the reported abuse immediately  
654 and shall file a preliminary report with the appropriate  
655 prosecutor's office within twenty-four (24) hours and shall make  
656 additional reports as new or additional information or evidence  
657 becomes available. The department \* \* \* shall advise the clerk of  
658 the youth court and the youth court prosecutor of all cases of  
659 abuse reported to the department within seventy-two (72) hours and  
660 shall update such report as information becomes available.



661 (2) Any report \* \* \* shall contain the names and addresses  
662 of the child and his parents or other persons responsible for his  
663 care, if known, the child's age, the nature and extent of the  
664 child's injuries, including any evidence of previous  
665 injuries \* \* \*, any other information that might be helpful in  
666 establishing the cause of the injury, and the identity of the  
667 perpetrator.

668 (3) The Department of Child Protection Services \* \* \* shall  
669 maintain a statewide incoming wide-area telephone service or  
670 similar service for the purpose of receiving reports of suspected  
671 cases of child abuse, commercial sexual exploitation or human  
672 trafficking; provided that any attorney, physician, dentist,  
673 intern, resident, nurse, psychologist, social worker, family  
674 protection worker, family protection specialist, child caregiver,  
675 minister, law enforcement officer or public or private school  
676 employee who is required to report under subsection (1) of this  
677 section shall report in the manner required in subsection (1).

678 (4) Reports of abuse \* \* \*, neglect, commercial sexual  
679 exploitation or human trafficking made under this chapter and the  
680 identity of the reporter are confidential except when the court in  
681 which the investigation report is filed, in its discretion,  
682 determines the testimony of the person reporting to be material to  
683 a judicial proceeding or when the identity of the reporter is  
684 released to law enforcement agencies and the appropriate  
685 prosecutor pursuant to subsection (1). Reports made under this



686 section to any law enforcement agency or prosecutorial officer are  
687 for the purpose of criminal investigation and prosecution only and  
688 no information from these reports may be released to the public  
689 except as provided by Section 43-21-261. Disclosure of any  
690 information by the prosecutor shall be according to the  
691 Mississippi Uniform Rules of Circuit and County Court Procedure.  
692 The identity of the reporting party shall not be disclosed to  
693 anyone other than law enforcement officers or prosecutors without  
694 an order from the appropriate youth court. Any person disclosing  
695 any reports made under this section in a manner not expressly  
696 provided for in this section or Section 43-21-261 shall be guilty  
697 of a misdemeanor and subject to the penalties prescribed by  
698 Section 43-21-267.

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

- 709 (a) The name and address of the child;  
710 (b) The names and addresses of the parents;



711 (c) The name and address of the suspected perpetrator;  
712 (d) The names and addresses of all witnesses, including  
713 the reporting party if a material witness to the abuse;  
714 (e) A brief statement of the facts indicating that the  
715 child has been abused, including whether the child experienced  
716 commercial sexual exploitation or human trafficking, and any other  
717 information from the agency files or known to the family  
718 protection worker or family protection specialist making the  
719 investigation, including medical records or other records, which  
720 may assist law enforcement or the district attorney in  
721 investigating and/or prosecuting the case; and  
722 (f) What, if any, action is being taken by the  
723 Department of Child Protection Services \* \* \*.  
724 (6) In any investigation of a report made under this chapter  
725 of the abuse or neglect of a child as defined in Section  
726 43-21-105(1) or (m), the Department of Child Protection  
727 Services \* \* \* may request the appropriate law enforcement officer  
728 with jurisdiction to accompany the department in its  
729 investigation, and in such cases the law enforcement officer shall  
730 comply with such request.  
731 (7) Anyone who willfully violates any provision of this  
732 section shall be, upon being found guilty, punished by a fine not  
733 to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment in  
734 jail not to exceed one (1) year, or both.



735 (8) If a report is made directly to the Department of Child  
736 Protection Services \* \* \* that a child has been abused or  
737 neglected or experienced commercial sexual exploitation or human  
738 trafficking in an out-of-home setting, a referral shall be made  
739 immediately to the law enforcement agency in whose jurisdiction  
740 the abuse occurred and the department shall notify the district  
741 attorney's office and Statewide Human Trafficking Coordinator  
742 within forty-eight (48) hours of such report. The Department of  
743 Child Protection Services \* \* \* shall investigate the out-of-home  
744 setting report of abuse or neglect to determine whether the child  
745 who is the subject of the report, or other children in the same  
746 environment, comes within the jurisdiction of the youth court and  
747 shall report to the youth court the department's findings and  
748 recommendation as to whether the child who is the subject of the  
749 report or other children in the same environment require the  
750 protection of the youth court. The law enforcement agency shall  
751 investigate the reported abuse immediately and shall file a  
752 preliminary report with the district attorney's office within  
753 forty-eight (48) hours and shall make additional reports as new  
754 information or evidence becomes available. If the out-of-home  
755 setting is a licensed facility, an additional referral shall be  
756 made by the Department of Child Protection Services \* \* \* to the  
757 licensing agency. The licensing agency shall investigate the  
758 report and shall provide the department \* \* \*, the law enforcement  
759 agency and the district attorney's office with their written



760 findings from such investigation as well as that licensing  
761 agency's recommendations and actions taken.

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

769 **SECTION 6.** Section 43-21-105, Mississippi Code of 1972, is  
770 amended as follows:

771 43-21-105. The following words and phrases, for purposes of  
772 this chapter, shall have the meanings ascribed herein unless the  
773 context clearly otherwise requires:

774 (a) "Youth court" means the Youth Court Division.

775 (b) "Judge" means the judge of the Youth Court  
776 Division.

777 (c) "Designee" means any person that the judge appoints  
778 to perform a duty which this chapter requires to be done by the  
779 judge or his designee. The judge may not appoint a person who is  
780 involved in law enforcement or who is an employee of the  
781 Mississippi Department of Human Services or the Mississippi  
782 Department of Child Protection Services to be his designee.

783 (d) "Child" and "youth" are synonymous, and each means  
784 a person who has not reached his eighteenth birthday. A child who



785 has not reached his eighteenth birthday and is on active duty for  
786 a branch of the armed services or is married is not considered a  
787 "child" or "youth" for the purposes of this chapter.

788 (e) "Parent" means the father or mother to whom the  
789 child has been born, or the father or mother by whom the child has  
790 been legally adopted.

791 (f) "Guardian" means a court-appointed guardian of the  
792 person of a child.

793 (g) "Custodian" means any person having the present  
794 care or custody of a child whether such person be a parent or  
795 otherwise.

796 (h) "Legal custodian" means a court-appointed custodian  
797 of the child.

798 (i) "Delinquent child" means a child who has reached  
799 his tenth birthday and who has committed a delinquent act.

800 (j) "Delinquent act" is any act, which if committed by  
801 an adult, is designated as a crime under state or federal law, or  
802 municipal or county ordinance other than offenses punishable by  
803 life imprisonment or death. A delinquent act includes escape from  
804 lawful detention and violations of the Uniform Controlled  
805 Substances Law and violent behavior.

806 (k) "Child in need of supervision" means a child who  
807 has reached his seventh birthday and is in need of treatment or  
808 rehabilitation because the child:





809 (i) Is habitually disobedient of reasonable and  
810 lawful commands of his parent, guardian or custodian and is  
811 ungovernable; or

812 (ii) While being required to attend school,  
813 willfully and habitually violates the rules thereof or willfully  
814 and habitually absents himself therefrom; or

815 (iii) Runs away from home without good cause; or

816 (iv) Has committed a delinquent act or acts.

817 (1) "Neglected child" means a child:

818 (i) Whose parent, guardian or custodian or any  
819 person responsible for his care or support, neglects or refuses,  
820 when able so to do, to provide for him proper and necessary care  
821 or support, or education as required by law, or medical, surgical,  
822 or other care necessary for his well-being; however, a parent who  
823 withholds medical treatment from any child who in good faith is  
824 under treatment by spiritual means alone through prayer in  
825 accordance with the tenets and practices of a recognized church or  
826 religious denomination by a duly accredited practitioner thereof  
827 shall not, for that reason alone, be considered to be neglectful  
828 under any provision of this chapter; or

829 (ii) Who is otherwise without proper care,  
830 custody, supervision or support; or

831 (iii) Who, for any reason, lacks the special care  
832 made necessary for him by reason of his mental condition, whether



833 the mental condition is having mental illness or having an  
834 intellectual disability; or

835 (iv) Who, for any reason, lacks the care necessary  
836 for his health, morals or well-being.

837 (m) "Abused child" means a child whose parent, guardian  
838 or custodian or any person responsible for his care or support,  
839 whether legally obligated to do so or not, has caused or allowed  
840 to be caused, upon the child, sexual abuse, sexual exploitation,  
841 commercial sexual exploitation, emotional abuse, mental injury,  
842 nonaccidental physical injury or other maltreatment. However,  
843 physical discipline, including spanking, performed on a child by a  
844 parent, guardian or custodian in a reasonable manner shall not be  
845 deemed abuse under this section. "Abused child" also means a  
846 child who is or has been trafficked within the meaning of the  
847 Mississippi Human Trafficking Act by any person, without regard to  
848 the relationship of the person to the child.

849 (n) "Sexual abuse" means obscene or pornographic  
850 photographing, filming or depiction of children for commercial  
851 purposes, or the rape, molestation, incest, prostitution or other  
852 such forms of sexual exploitation of children under circumstances  
853 which indicate that the child's health or welfare is harmed or  
854 threatened.

855 (o) "A child in need of special care" means a child  
856 with any mental or physical illness that cannot be treated with



857 the dispositional alternatives ordinarily available to the youth  
858 court.

859 (p) A "dependent child" means any child who is not a  
860 child in need of supervision, a delinquent child, an abused child  
861 or a neglected child, and which child has been voluntarily placed  
862 in the custody of the Department of \* \* \* Child Protection  
863 Services by his parent, guardian or custodian.

864 (q) "Custody" means the physical possession of the  
865 child by any person.

866 (r) "Legal custody" means the legal status created by a  
867 court order which gives the legal custodian the responsibilities  
868 of physical possession of the child and the duty to provide him  
869 with food, shelter, education and reasonable medical care, all  
870 subject to residual rights and responsibilities of the parent or  
871 guardian of the person.

872 (s) "Detention" means the care of children in  
873 physically restrictive facilities.

874 (t) "Shelter" means care of children in physically  
875 nonrestrictive facilities.

876 (u) "Records involving children" means any of the  
877 following from which the child can be identified:

878 (i) All youth court records as defined in Section  
879 43-21-251;

880 (ii) All social records as defined in Section  
881 43-21-253;



882 (iii) All law enforcement records as defined in  
883 Section 43-21-255;

884 (iv) All agency records as defined in Section  
885 43-21-257; and

886 (v) All other documents maintained by any  
887 representative of the state, county, municipality or other public  
888 agency insofar as they relate to the apprehension, custody,  
889 adjudication or disposition of a child who is the subject of a  
890 youth court cause.

891 (v) "Any person responsible for care or support" means  
892 the person who is providing for the child at a given time. This  
893 term shall include, but is not limited to, stepparents, foster  
894 parents, relatives, nonlicensed babysitters or other similar  
895 persons responsible for a child and staff of residential care  
896 facilities and group homes that are licensed by the Department of  
897 Human Services or Department of Child Protection Services.

898 (w) The singular includes the plural, the plural the  
899 singular and the masculine the feminine when consistent with the  
900 intent of this chapter.

901 (x) "Out-of-home" setting means the temporary  
902 supervision or care of children by the staff of licensed day care  
903 centers, the staff of public, private and state schools, the staff  
904 of juvenile detention facilities, the staff of unlicensed  
905 residential care facilities and group homes and the staff of, or  
906 individuals representing, churches, civic or social organizations.



907           (y) "Durable legal custody" means the legal status  
908 created by a court order which gives the durable legal custodian  
909 the responsibilities of physical possession of the child and the  
910 duty to provide him with care, nurture, welfare, food, shelter,  
911 education and reasonable medical care. All these duties as  
912 enumerated are subject to the residual rights and responsibilities  
913 of the natural parent(s) or guardian(s) of the child or children.

914           (z) "Status offense" means conduct subject to  
915 adjudication by the youth court that would not be a crime if  
916 committed by an adult.

917           (aa) "Financially able" means a parent or child who is  
918 ineligible for a court-appointed attorney.

919           (bb) "Assessment" means an individualized examination  
920 of a child to determine the child's psychosocial needs and  
921 problems, including the type and extent of any mental health,  
922 substance abuse or co-occurring mental health and substance abuse  
923 disorders and recommendations for treatment. The term includes,  
924 but is not limited to, a drug and alcohol, psychological or  
925 psychiatric evaluation, records review, clinical interview or the  
926 administration of a formal test and instrument.

927           (cc) "Screening" means a process, with or without the  
928 administration of a formal instrument, that is designed to  
929 identify a child who is at increased risk of having mental health,  
930 substance abuse or co-occurring mental health and substance abuse



931 disorders that warrant immediate attention, intervention or more  
932 comprehensive assessment.

933 (dd) "Durable legal relative guardianship" means the  
934 legal status created by a youth court order that conveys the  
935 physical and legal custody of a child or children by durable legal  
936 guardianship to a relative or fictive kin who is licensed as a  
937 foster or resource parent.

938 (ee) "Relative" means a person related to the child by  
939 affinity or consanguinity within the third degree.

940 (ff) "Fictive kin" means a person not related to the  
941 child legally or biologically but who is considered a relative due  
942 to a significant, familial-like and ongoing relationship with the  
943 child and family.

944 (gg) "Reasonable efforts" means the exercise of  
945 reasonable care and due diligence by the Department of Human  
946 Services, the Department of Child Protection Services, or any  
947 other appropriate entity or person to use appropriate and  
948 available services to prevent the unnecessary removal of the child  
949 from the home or provide other services related to meeting the  
950 needs of the child and the parents.

951 (hh) "Commercial sexual exploitation" means any sexual  
952 act or crime of a sexual nature, which is committed against a  
953 child for financial or economic gain, to obtain a thing of value  
954 for quid pro quo exchange of property or for any other purpose.



955           **SECTION 7.** Section 97-5-51, Mississippi Code of 1972, is  
956 amended as follows:

957           97-5-51. (1) **Definitions.** For the purposes of this  
958 section:

959           (a) "Sex crime against a minor" means any offense under  
960 at least one (1) of the following statutes when committed by an  
961 adult against a minor who is under the age of sixteen (16):

962                   (i) Section 97-3-65 relating to rape;

963                   (ii) Section 97-3-71 relating to rape and assault  
964 with intent to ravish;

965                   (iii) Section 97-3-95 relating to sexual battery;

966                   (iv) Section 97-5-23 relating to the touching of a  
967 child, mentally defective or incapacitated person or physically  
968 helpless person for lustful purposes;

969                   (v) Section 97-5-41 relating to the carnal  
970 knowledge of a stepchild, adopted child or child of a cohabiting  
971 partner;

972                   (vi) Section 97-5-33 relating to exploitation of  
973 children;

974                   (vii) Section 97-3-54.1(1)(c) relating to  
975 procuring sexual servitude of a minor;

976                   (viii) Section 43-47-18 relating to sexual abuse  
977 of a vulnerable person;

978                   (ix) Section 97-1-7 relating to the attempt to  
979 commit any of the offenses listed in this subsection \* \* \*;



980                   (x) Section 97-29-51 relating to procuring sexual  
981 services of a minor; and

982                   (xi) Section 43-47-18 and Section 43-47-19  
983 relating to sexual battery abuse of a vulnerable person who is a  
984 minor.

985                   (b) "Mandatory reporter" means any of the following  
986 individuals performing their occupational duties: health care  
987 practitioner, clergy member, teaching or child care provider, law  
988 enforcement officer, or commercial image processor.

989                   (c) "Health care practitioner" means any individual who  
990 provides health care services, including a physician, surgeon,  
991 physical therapist, psychiatrist, psychologist, medical resident,  
992 medical intern, hospital staff member, licensed nurse, midwife and  
993 emergency medical technician or paramedic.

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

996                   (e) "Teaching or child care provider" means anyone who  
997 provides training or supervision of a minor under the age of  
998 sixteen (16), including a teacher, teacher's aide, principal or  
999 staff member of a public or private school, social worker,  
1000 probation officer, foster home parent, group home or other child  
1001 care institutional staff member, personnel of residential home  
1002 facilities, a licensed or unlicensed day care provider.

1003                   (f) "Commercial image processor" means any person who,  
1004 for compensation: (i) develops exposed photographic film into





1005 negatives, slides or prints; (ii) makes prints from negatives or  
1006 slides; or (iii) processes or stores digital media or images from  
1007 any digital process, including, but not limited to, website  
1008 applications, photography, live streaming of video, posting,  
1009 creation of power points or any other means of intellectual  
1010 property communication or media including conversion or  
1011 manipulation of still shots or video into a digital show stored on  
1012 a photography site or a media storage site.

1013 (g) "Caretaker" means any person legally obligated to  
1014 provide or secure adequate care for a minor under the age of  
1015 sixteen (16), including a parent, guardian, tutor, legal custodian  
1016 or foster home parent.

1017 (2) (a) **Mandatory reporter requirement.** A mandatory  
1018 reporter shall make a report if it would be reasonable for the  
1019 mandatory reporter to suspect that a sex crime against a minor has  
1020 occurred.

1021 (b) Failure to file a mandatory report shall be  
1022 punished as provided in this section.

1023 (c) Reports made under this section and the identity of  
1024 the mandatory reporter are confidential except when the court  
1025 determines the testimony of the person reporting to be material to  
1026 a judicial proceeding or when the identity of the reporter is  
1027 released to law enforcement agencies and the appropriate  
1028 prosecutor. The identity of the reporting party shall not be  
1029 disclosed to anyone other than law enforcement or prosecutors



1030 except under court order; violation of this requirement is a  
1031 misdemeanor. Reports made under this section are for the purpose  
1032 of criminal investigation and prosecution only and information  
1033 from these reports is not a public record. Disclosure of any  
1034 information by the prosecutor shall conform to the Mississippi  
1035 Uniform Rules of Circuit and County Court Procedure.

1036 (d) Any mandatory reporter who makes a required report  
1037 under this section or participates in a judicial proceeding  
1038 resulting from a mandatory report shall be presumed to be acting  
1039 in good faith. Any person or institution reporting in good faith  
1040 shall be immune from any liability, civil or criminal, that might  
1041 otherwise be incurred or imposed.

1042 (3) (a) **Mandatory reporting procedure.** A report required  
1043 under subsection (2) must be made immediately to the law  
1044 enforcement agency in whose jurisdiction the reporter believes the  
1045 sex crime against the minor occurred. Except as otherwise  
1046 provided in this subsection (3), a mandatory reporter may not  
1047 delegate to any other person the responsibility to report, but  
1048 shall make the report personally.

1049 (i) The reporting requirement under this  
1050 subsection (3) is satisfied if a mandatory reporter in good faith  
1051 reports a suspected sex crime against a minor to the Department  
1052 of \* \* \* Child Protection Services under Section 43-21-353.

1053 (ii) The reporting requirement under this  
1054 subsection (3) is satisfied if a mandatory reporter reports a



1055 suspected sex crime against a minor by following a reporting  
1056 procedure that is imposed:

1057                   1. By state agency rule as part of licensure  
1058 of any person or entity holding a state license to provide  
1059 services that include the treatment or education of abused or  
1060 neglected children; or

1061                   2. By statute.

1062           (b) **Contents of the report.** The report shall identify,  
1063 to the extent known to the reporter, the following:

1064                   (i) The name and address of the minor victim;

1065                   (ii) The name and address of the minor's  
1066 caretaker;

1067                   (iii) Any other pertinent information known to the  
1068 reporter.

1069           (4) A law enforcement officer who receives a mandated report  
1070 under this section shall file an affidavit against the offender on  
1071 behalf of the State of Mississippi if there is probable cause to  
1072 believe that the offender has committed a sex crime against a  
1073 minor.

1074           (5) **Collection of forensic samples.** (a) (i) When an  
1075 abortion is performed on a minor who is less than fourteen (14)  
1076 years of age at the time of the abortion procedure, fetal tissue  
1077 extracted during the abortion shall be collected in accordance  
1078 with rules and regulations adopted pursuant to this section if it



1079 would be reasonable to suspect that the pregnancy being terminated  
1080 is the result of a sex crime against a minor.

1081 (ii) When a minor who is under sixteen (16) years  
1082 of age gives birth to an infant, umbilical cord blood shall be  
1083 collected, if possible, in accordance with rules and regulations  
1084 adopted pursuant to this section if it would be reasonable to  
1085 suspect that the minor's pregnancy resulted from a sex crime  
1086 against a minor.

1087 (iii) It shall be reasonable to suspect that a sex  
1088 crime against a minor has occurred if the mother of an infant was  
1089 less than sixteen (16) years of age at the time of conception and  
1090 at least one (1) of the following conditions also applies:

1091 1. The mother of the infant will not identify  
1092 the father of the infant;

1093 2. The mother of the infant lists the father  
1094 of the infant as unknown;

1095 3. The person the mother identifies as the  
1096 father of the infant disputes his fatherhood;

1097 4. The person the mother identifies as the  
1098 father of the infant is twenty-one (21) years of age or older; or

1099 5. The person the mother identifies as the  
1100 father is deceased.

1101 (b) The State Medical Examiner shall adopt rules and  
1102 regulations consistent with Section 99-49-1 that prescribe:



1103 (i) The amount and type of fetal tissue or  
1104 umbilical cord blood to be collected pursuant to this section;  
1105 (ii) Procedures for the proper preservation of the  
1106 tissue or blood for the purpose of DNA testing and examination;  
1107 (iii) Procedures for documenting the chain of  
1108 custody of such tissue or blood for use as evidence;  
1109 (iv) Procedures for proper disposal of fetal  
1110 tissue or umbilical cord blood collected pursuant to this section;  
1111 (v) A uniform reporting instrument mandated to be  
1112 utilized, which shall include the complete residence address and  
1113 name of the parent or legal guardian of the minor who is the  
1114 subject of the report required under this subsection (5); and  
1115 (vi) Procedures for communication with law  
1116 enforcement agencies regarding evidence and information obtained  
1117 pursuant to this section.

1118 (6) **Penalties.** (a) A person who is convicted of a first  
1119 offense under this section shall be guilty of a misdemeanor and  
1120 fined not more than Five Hundred Dollars (\$500.00).

1121 (b) A person who is convicted of a second offense under  
1122 this section shall be guilty of a misdemeanor and fined not more  
1123 than One Thousand Dollars (\$1,000.00), or imprisoned for not more  
1124 than thirty (30) days, or both.

1125 (c) A person who is convicted of a third or subsequent  
1126 offense under this section shall be guilty of a misdemeanor and



1127 fined not more than Five Thousand Dollars (\$5,000.00), or  
1128 imprisoned for not more than one (1) year, or both.

1129 (7) A health care practitioner or health care facility shall  
1130 be immune from any penalty, civil or criminal, for good-faith  
1131 compliance with any rules and regulations adopted pursuant to this  
1132 section.

1133 **SECTION 8.** Section 19-5-353, Mississippi Code of 1972, is  
1134 amended as follows:

1135 19-5-353. (1) The initial minimum standard of training for  
1136 local public safety and 911 telecommunicators shall be determined  
1137 by the Board of Emergency Telecommunications Standards and  
1138 Training. All courses approved for minimum standards shall be  
1139 taught by instructors certified by the course originator as  
1140 instructors for such courses.

1141 (2) The minimum standards may be changed at any time by the  
1142 Board of Emergency Telecommunications Standards and Training, but  
1143 shall always include at least two (2) hours of training related to  
1144 handling complaints and/or calls of human trafficking and  
1145 commercial sexual exploitation of children as defined in Section  
1146 43-21-105, communicating with such victims and requiring the local  
1147 public safety and 911 telecommunicators to contact the Department  
1148 of Child Protection Services when human trafficking or commercial  
1149 sexual exploitation is suspected.

1150 (3) Changes in the minimum standards may be made upon  
1151 request from any bona fide public safety, emergency medical or



1152 fire organization operating within the State of Mississippi.  
1153 Requests for change shall be in writing submitted to either the  
1154 State Law Enforcement Training Academy; the State Fire Academy;  
1155 the Mississippi Chapter of the Associated Public Safety  
1156 Communications Officers, Incorporated; the Mississippi Chapter of  
1157 the National Emergency Number Association; the Mississippi State  
1158 Board of Health, Emergency Medical Services Division; the  
1159 Mississippi Justice Information Center; the Mississippi Sheriff's  
1160 Association; the Mississippi Fire Chief's Association; the  
1161 Mississippi Association of Chiefs of Police; or Mississippians for  
1162 Emergency Medical Services.

1163 (4) The minimum standards in no way are intended to restrict  
1164 or limit any additional training which any department or agency  
1165 may wish to employ, or any state or federal required training, but  
1166 to serve as a basis or foundation for basic training.

1167 (5) Persons in the employment of any public safety, fire,  
1168 911 PSAP or emergency medical agency as a telecommunicator on July  
1169 1, 1993, shall have three (3) years to be certified in the minimum  
1170 standards courses provided they have been employed by such agency  
1171 for a period of more than one (1) year prior to July 1, 1993.

1172 (6) Persons having been employed by any public safety, fire,  
1173 911 PSAP or emergency medical agency as a telecommunicator for  
1174 less than one (1) year prior to July 1, 1993, shall be required to  
1175 have completed all the requirements for minimum training  
1176 standards, as set forth in Sections 19-5-351 through 19-5-361,



1177 within one (1) year from July 1, 1993. Persons certified on or  
1178 before July 1, 1993, in any course or courses chosen shall be  
1179 given credit for these courses, provided the courses are still  
1180 current and such persons can provide a course completion  
1181 certificate.

1182 (7) Any person hired to perform the duties of a  
1183 telecommunicator in any public safety, fire, 911 PSAP or emergency  
1184 medical agency after July 1, 1993, shall complete the minimum  
1185 training standards as set forth in Sections 19-5-351 through  
1186 19-5-361 within twelve (12) months of their employment or within  
1187 twelve (12) months from the date that the Board of Emergency  
1188 Telecommunications Standards and Training shall become  
1189 operational.

1190 (8) Professional certificates remain the property of the  
1191 board, and the board reserves the right to either reprimand the  
1192 holder of a certificate, suspend a certificate upon conditions  
1193 imposed by the board, or cancel and recall any certificate when:

1194 (a) The certificate was issued by administrative error;

1195 (b) The certificate was obtained through  
1196 misrepresentation or fraud;

1197 (c) The holder has been convicted of any crime  
1198 involving moral turpitude;

1199 (d) The holder has been convicted of a felony; or

1200 (e) Other due cause as determined by the board.





1201           When the board believes there is a reasonable basis for  
1202 either the reprimand, suspension, cancellation of, or recalling  
1203 the certification of a telecommunicator, notice and opportunity  
1204 for a hearing shall be provided. Any telecommunicator aggrieved  
1205 by the findings and order of the board may file an appeal with the  
1206 chancery court of the county in which such person is employed from  
1207 the final order of the board. Any telecommunicator whose  
1208 certification has been cancelled pursuant to Sections 19-5-351  
1209 through 19-5-361 may reapply for certification but not sooner than  
1210 two (2) years after the date on which the order of the board  
1211 canceling such certification became final.

1212           (9) Any state agency, political subdivision or "for-profit"  
1213 ambulance, security or fire service company that employs a person  
1214 as a telecommunicator who does not meet the requirements of  
1215 Sections 19-5-351 through 19-5-361, or that employs a person whose  
1216 certificate has been suspended or revoked under provisions of  
1217 Sections 19-5-351 through 19-5-361, is prohibited from paying the  
1218 salary of such person, and any person violating this subsection  
1219 shall be personally liable for making such payment.

1220           (10) These minimum standards and time limitations shall in  
1221 no way conflict with other state and federal training as may be  
1222 required to comply with established laws or regulations.

1223           **SECTION 9.** Section 45-6-7, Mississippi Code of 1972, is  
1224 amended as follows:



1225           45-6-7. In addition to the powers conferred upon the board  
1226 elsewhere in this chapter, the board shall have power to:

1227           (a) Promulgate rules and regulations for the  
1228 administration of this chapter, including the authority to require  
1229 the submission of reports and information by law enforcement  
1230 agencies of the state and its political subdivisions.

1231           (b) Establish minimum educational and training  
1232 standards for admission to employment or appointment as a law  
1233 enforcement officer or a part-time law enforcement officer: (i)  
1234 in a permanent position; and (ii) in a probationary status. The  
1235 minimum educational and training standards for any law enforcement  
1236 officer assigned to field or investigative duties shall include at  
1237 least two (2) hours of training related to handling complaints of  
1238 human trafficking and commercial sexual exploitation of children  
1239 as defined in Section 43-21-105, communicating with such victims,  
1240 and requiring the officer to contact the Department of Child  
1241 Protection Services when human trafficking or commercial sexual  
1242 exploitation is suspected.

1243           (c) Certify persons as being qualified under the  
1244 provisions of this chapter to be law enforcement officers or  
1245 part-time law enforcement officers.

1246           (d) Revoke certification for cause and in the manner  
1247 provided in this chapter. The board is authorized to subpoena  
1248 documents regarding revocations. The board shall maintain a  
1249 current list of all persons certified under this chapter who have



1250 been placed on probation, suspended, subjected to revocation of  
1251 certification, or any combination of these.

1252 (e) Establish minimum curriculum requirements for basic  
1253 and advanced courses and programs for schools operated by or for  
1254 the state or any political subdivision thereof for the specific  
1255 purpose of training police and other law enforcement officers,  
1256 both full- and part-time, which shall include a minimum of two (2)  
1257 hours of training in a course or courses related to the  
1258 identification of and support for victims of human trafficking and  
1259 commercial sexual exploitation.

1260 (f) Consult and cooperate with counties,  
1261 municipalities, state agencies, other governmental agencies, and  
1262 with universities, colleges, community and junior colleges and  
1263 other institutions concerning the development of training schools,  
1264 programs or courses of instruction for personnel defined in this  
1265 chapter.

1266 (g) Make recommendations concerning any matter within  
1267 its purview pursuant to this chapter.

1268 (h) Make such inspection and evaluation as may be  
1269 necessary to determine if governmental units are complying with  
1270 the provisions of this chapter.

1271 (i) Approve law enforcement officer training schools  
1272 for operation by or for the state or any political subdivision  
1273 thereof for the specific purpose of training personnel defined in  
1274 this chapter.



1275           (j) Upon the request of agencies employing personnel  
1276 defined in this chapter, conduct surveys or aid municipalities and  
1277 counties to conduct surveys through qualified public or private  
1278 agencies and assist in the implementation of any recommendations  
1279 resulting from such surveys.

1280           (k) Upon request of agencies within the purview of this  
1281 chapter, conduct general and specific management surveys and  
1282 studies of the operations of the requesting agencies at no cost to  
1283 those agencies. The role of the board under this subsection shall  
1284 be that of management consultant.

1285           (l) Adopt and amend regulations consistent with law,  
1286 for its internal management and control of board programs.

1287           (m) Enter into contracts or do such things as may be  
1288 necessary and incidental to the administration of this chapter.

1289           (n) Establish jointly with the State Board of Education  
1290 the minimum level of basic law enforcement training required of  
1291 persons employed by school districts as school security guards, or  
1292 school resource officers or in other positions that have the  
1293 powers of a peace officer.

1294           **SECTION 10.** Section 43-1-55, Mississippi Code of 1972, is  
1295 amended as follows:

1296           43-1-55. (1) The Office of Family and Children's Services  
1297 and the Division of Aging and Adult Services shall devise formal  
1298 standards for employment as a family protection worker and as a  
1299 family protection specialist within their respective offices and



1300 for service delivery designed to measure the quality of services  
1301 delivered to clients, as well as the timeliness of services. The  
1302 standards shall include at least two (2) hours of training  
1303 regarding the subject of identifying, assessing and providing  
1304 comprehensive services to a child who has experienced or is  
1305 alleged to have experienced commercial sexual exploitation or  
1306 human trafficking. For family protection workers, this training  
1307 may be included in the four (4) weeks of intensive training  
1308 described in paragraph (b) of this subsection. Each family  
1309 protection worker and family protection specialist shall be  
1310 assessed annually by a supervisor who is a licensed social worker  
1311 who is knowledgeable in the standards promulgated. The standards  
1312 devised by each office shall be applicable to all family  
1313 protection workers and family protection specialists working under  
1314 that office.

1315 (2) The Office of Family and Children's Services shall  
1316 devise formal standards for family protection workers of the  
1317 Department of Human Services who are not licensed social workers.  
1318 Those standards shall require that:

1319 (a) In order to be employed as a family protection  
1320 worker, a person must have a bachelor's degree in either  
1321 psychology, sociology, nursing, family studies, or a related  
1322 field, or a graduate degree in either psychology, sociology,  
1323 nursing, criminal justice, counseling, marriage and family therapy



1324 or a related field. The determination of what is a related field  
1325 shall be made by certification of the State Personnel Board; and

1326 (b) Before a person may provide services as a family  
1327 protection worker, the person shall complete four (4) weeks of  
1328 intensive training provided by the training unit of the Office of  
1329 Family and Children's Services, and shall take and receive a  
1330 passing score on the certification test administered by the  
1331 training unit upon completion of the four-week training. Upon  
1332 receiving a passing score on the certification test, the person  
1333 shall be certified as a family protection worker by the Department  
1334 of Human Services. Any person who does not receive a passing  
1335 score on the certification test shall not be employed or maintain  
1336 employment as a family protection worker for the department.  
1337 Further, a person, qualified as a family protection worker through  
1338 the procedures set forth above, shall not conduct forensic  
1339 interviews of children until the worker receives additional  
1340 specialized training in child forensic interview protocols and  
1341 techniques by a course or curriculum approved by the Department of  
1342 Human Services to be not less than forty (40) hours.

1343 (3) For the purpose of providing services in child abuse or  
1344 neglect cases, youth court proceedings, vulnerable adults cases,  
1345 and such other cases as designated by the Executive Director of  
1346 Human Services, the caseworker or service provider shall be a  
1347 family protection specialist or a family protection worker whose



1348 work is overseen by a family protection specialist who is a  
1349 licensed social worker.

1350 (4) The Department of Human Services and the Office of  
1351 Family and Children's Services shall seek to employ and use family  
1352 protection specialists to provide the services of the office, and  
1353 may employ and use family protection workers to provide those  
1354 services only in counties in which there is not a sufficient  
1355 number of family protection specialists to adequately provide  
1356 those services in the county.

1357 (5) (a) There is created a Training and Testing Advisory  
1358 Council to review the department's program of training and testing  
1359 of family protection workers and to make recommendations  
1360 pertaining to the program to the department. The advisory council  
1361 shall be composed of the following ten (10) members: two (2)  
1362 employees of the department appointed by the Executive Director of  
1363 Human Services, including one (1) representative of the Office of  
1364 Family and Children's Services and one (1) representative of the  
1365 Division of Aging and Adult Services; the Chairman of the  
1366 Consortium of Accredited Schools of Social Work in Mississippi;  
1367 and the executive director or a board member of a professional  
1368 association or licensing board for each field of study named in  
1369 subsection (2) (a) of this section, as follows: the Mississippi  
1370 Chapter of the National Association of Social Workers; a marriage  
1371 and family therapist who is a member of the Board of Examiners for  
1372 Social Workers and Marriage and Family Therapists, to be selected



1373 by the four (4) members of the board of examiners who are marriage  
1374 and family therapists; the Mississippi Nurses Association; the  
1375 Mississippi Prosecutors Association; the Mississippi Counseling  
1376 Association; the Mississippi Psychological Association; and an  
1377 officer of the Alabama-Mississippi Sociological Association who is  
1378 a Mississippi resident elected by the executive committee of the  
1379 association. The executive director of each association  
1380 (excluding the Alabama-Mississippi Sociological Association) and  
1381 chairman of the consortium may designate an alternate member to  
1382 serve in his stead on the advisory council. Members of the  
1383 advisory council shall serve without salary or per diem.

1384 (b) A majority of the advisory council members shall  
1385 select from their membership a chairperson to preside over  
1386 meetings and a vice chairperson to preside in the absence of the  
1387 chairperson or when the chairperson is excused. The advisory  
1388 council shall adopt procedures governing the manner of conducting  
1389 its business. A majority of the members shall constitute a quorum  
1390 to do business.

1391 (6) This section and Section 43-27-107, Mississippi Code of  
1392 1972, shall stand repealed on July 1, 2019.

1393 **SECTION 11.** Section 97-3-54.8, Mississippi Code of 1972, is  
1394 amended as follows:

1395 97-3-54.8. **Relief for Victims of Human Trafficking Fund.**

1396 (1) There is hereby created in the State Treasury a special fund  
1397 to be known as the "Relief for Victims of Human Trafficking Fund."





1398 The fund shall be a continuing fund, not subject to fiscal-year  
1399 limitations, and shall consist of:

- 1400 (a) Monies appropriated by the Legislature;
- 1401 (b) The interest accruing to the fund;
- 1402 (c) Donations or grant funds received; and
- 1403 (d) Monies received from such other sources as may be  
1404 provided by law.

1405 (2) The monies in the Relief for Victims of Human  
1406 Trafficking Fund shall be used by the Mississippi \* \* \* Bureau of  
1407 Investigation of the Department of Public Safety solely for the  
1408 administration of programs designed to assist victims of human  
1409 trafficking, to conduct training on human trafficking to law  
1410 enforcement, court personnel, attorneys, and nongovernmental  
1411 service providers, and to support the duties of the Statewide  
1412 Human Trafficking Coordinator as set forth in this act and as  
1413 otherwise provided by law.

1414 (3) From and after July 1, 2016, the expenses of the Relief  
1415 for Victims of Human Trafficking Fund program shall be defrayed by  
1416 appropriation from the State General Fund and all user charges and  
1417 fees authorized under this section shall be deposited into the  
1418 State General Fund as authorized by law and as determined by the  
1419 State Fiscal Officer.

1420 (4) From and after July 1, 2016, no state agency shall  
1421 charge another state agency a fee, assessment, rent or other



1422 charge for services or resources received by authority of this  
1423 section.

1424 **SECTION 12.** Section 97-3-54.9, Mississippi Code of 1972, is  
1425 amended as follows:

1426 97-3-54.9. **Statewide Human Trafficking Coordinator; duties.**

1427 (1) There is created the position of statewide human trafficking  
1428 coordinator within the \* \* \* Mississippi Bureau of Investigation  
1429 of the Department of Public Safety office. The duties of the  
1430 coordinator shall be as follows:

1431 (a) Coordinate the implementation of this act;

1432 (b) Evaluate state efforts to combat human trafficking;

1433 (c) Collect data on human trafficking activity within  
1434 the state on an ongoing basis, including types of activities  
1435 reported, efforts to combat human trafficking, and impact on  
1436 victims and on the state;

1437 (d) Exclude from publicly released portions of the data  
1438 collected under subsection (1)(c) the identity of any victim and  
1439 the victim's family;

1440 (e) Promote public awareness about human trafficking,  
1441 remedies and services for victims, and national hotline  
1442 information;

1443 (f) Create and maintain a website to publicize the  
1444 coordinator's work;

1445 (g) Submit to the Legislature an annual report of its  
1446 evaluation under subsection (1)(b) and any other annual report



1447 required by law, including any recommendations, and summary of  
1448 data collected under subsection (1) (c) and any other data  
1449 otherwise required by law to be collected by the coordinator;

1450 (h) Develop and implement rules and regulations  
1451 pertaining to the use of the Relief for Victims of Human  
1452 Trafficking Fund to support services for victims of human  
1453 trafficking in Mississippi;

1454 (i) Assist in the creation and operations of local  
1455 human trafficking task forces or working groups around the state,  
1456 including serving on a task force or a multidisciplinary child  
1457 protection team; \* \* \*

1458 (j) Conduct other activities, including, but not  
1459 limited to, applying for grants to enhance investigation and  
1460 prosecution of trafficking offenses or to improve victim services  
1461 to combat human trafficking within this state which are  
1462 appropriate \* \* \*; and

1463 (k) Perform any other duties specifically required by  
1464 law for the coordinator.

1465 (2) The coordinator shall be authorized to seek input and  
1466 assistance from state agencies, nongovernmental agencies, service  
1467 providers and other individuals in the performance of the  
1468 foregoing duties.

1469 (3) Each state agency, board and commission shall be  
1470 required to fully cooperate with the coordinator in the  
1471 performance of the duties of that position.



1472 (4) Every investigation of an offense under this chapter  
1473 shall be reported to the coordinator by the initiating law  
1474 enforcement agency pursuant to guidelines established by the  
1475 coordinator.

1476 (5) Notwithstanding the provisions of Section 43-21-261,  
1477 disclosure by any state agency, nongovernmental agency, service  
1478 provider or local or state law enforcement agency of  
1479 nonidentifying information regarding a minor victim to the  
1480 coordinator for the purposes of evaluating and collecting data  
1481 regarding trafficking offenses in the state is specifically  
1482 authorized.

1483 **SECTION 13.** Section 43-47-7, Mississippi Code of 1972, is  
1484 amended as follows:

1485 43-47-7. (1) (a) Except as otherwise provided by Section  
1486 43-47-37 for vulnerable persons in care facilities and by Section  
1487 43-7-65 for the State Ombudsman Program, any person including, but  
1488 not limited to, the following, who knows or suspects that a  
1489 vulnerable person has been or is being abused, neglected or  
1490 exploited shall immediately report such knowledge or suspicion to  
1491 the Department of Human Services or to the county department of  
1492 human services where the vulnerable person is located. If the  
1493 vulnerable person is a minor, then such report may be made to the  
1494 Department of Child Protection Services:



1495 (i) Attorney, physician, osteopathic physician,  
1496 medical examiner, chiropractor or nurse engaged in the admission,  
1497 examination, care or treatment of vulnerable persons;

1498 (ii) Health professional or mental health  
1499 professional other than one listed in subparagraph (i);

1500 (iii) Practitioner who relies solely on spiritual  
1501 means for healing;

1502 (iv) Social worker, family protection worker,  
1503 family protection specialist or other professional care,  
1504 residential or institutional staff;

1505 (v) State, county or municipal criminal justice  
1506 employee or law enforcement officer;

1507 (vi) Human rights advocacy committee or long-term  
1508 care ombudsman council member; or

1509 (vii) Accountant, stockbroker, financial advisor  
1510 or consultant, insurance agent or consultant, investment advisor  
1511 or consultant, financial planner, or any officer or employee of a  
1512 bank, savings and loan, credit union or any other financial  
1513 service provider.

1514 (b) To the extent possible, a report made pursuant to  
1515 paragraph (a) must contain, but need not be limited to, the  
1516 following information:

1517 (i) Name, age, race, sex, physical description and  
1518 location of each vulnerable person alleged to have been abused,  
1519 neglected or exploited.



1520 (ii) Names, addresses and telephone numbers of the  
1521 vulnerable person's family members.

1522 (iii) Name, address and telephone number of each  
1523 alleged perpetrator.

1524 (iv) Name, address and telephone number of the  
1525 caregiver of the vulnerable person, if different from the alleged  
1526 perpetrator.

1527 (v) Description of the neglect, exploitation,  
1528 physical or psychological injuries sustained.

1529 (vi) Actions taken by the reporter, if any, such  
1530 as notification of the criminal justice agency.

1531 (vii) Any other information available to the  
1532 reporting person which may establish the cause of abuse, neglect  
1533 or exploitation that occurred or is occurring.

1534 In addition to the above, any person or entity holding or  
1535 required to hold a license as specified in Title 73, Professions  
1536 and Vocations, Mississippi Code of 1972, shall be required to give  
1537 his, her or its name, address and telephone number in the report  
1538 of the alleged abuse, neglect or exploitation.

1539 (c) The department, or its designees, shall report to  
1540 an appropriate criminal investigative or prosecutive authority any  
1541 person required by this section to report or who fails to comply  
1542 with this section. A person who fails to make a report as  
1543 required under this subsection or who, because of the  
1544 circumstances, should have known or suspected beyond a reasonable



1545 doubt that a vulnerable person suffers from exploitation, abuse,  
1546 neglect or self-neglect but who knowingly fails to comply with  
1547 this section shall, upon conviction, be guilty of a misdemeanor  
1548 and shall be punished by a fine not exceeding Five Thousand  
1549 Dollars (\$5,000.00), or by imprisonment in the county jail for not  
1550 more than six (6) months, or both such fine and imprisonment.  
1551 However, for purposes of this subsection (1), any recognized legal  
1552 financial transaction shall not be considered cause to report the  
1553 knowledge or suspicion of the financial exploitation of a  
1554 vulnerable person. If a person convicted under this section is a  
1555 member of a profession or occupation that is licensed, certified  
1556 or regulated by the state, the court shall notify the appropriate  
1557 licensing, certifying or regulating entity of the conviction.

1558 (2) Reports received by law enforcement authorities or other  
1559 agencies shall be forwarded immediately to the Department of Human  
1560 Services or the county department of human services. The  
1561 Department of Human Services shall investigate the reported abuse,  
1562 neglect or exploitation immediately and shall file a preliminary  
1563 report of its findings with the Office of the Attorney General  
1564 within forty-eight (48) hours if immediate attention is needed, or  
1565 seventy-two (72) hours if the vulnerable person is not in  
1566 immediate danger and shall make additional reports as new  
1567 information or evidence becomes available. The Department of  
1568 Human Services, upon request, shall forward a statement to the



1569 person making the initial report required by this section as to  
1570 what action is being taken, if any.

1571 (3) The report may be made orally or in writing, but where  
1572 made orally, it shall be followed up by a written report. A  
1573 person who fails to report or to otherwise comply with this  
1574 section, as provided herein, shall have no civil or criminal  
1575 liability, other than that expressly provided for in this section,  
1576 to any person or entity in connection with any failure to report  
1577 or to otherwise comply with the requirements of this section.

1578 (4) Anyone who makes a report required by this section or  
1579 who testifies or participates in any judicial proceedings arising  
1580 from the report or who participates in a required investigation or  
1581 evaluation shall be presumed to be acting in good faith and in so  
1582 doing shall be immune from liability, civil or criminal, that  
1583 might otherwise be incurred or imposed. However, the immunity  
1584 provided under this subsection shall not apply to any suspect or  
1585 perpetrator of any abuse, neglect or exploitation.

1586 (5) A person who intentionally makes a false report under  
1587 the provisions of this section may be found liable in a civil suit  
1588 for any actual damages suffered by the person or persons so  
1589 reported and for any punitive damages set by the court or jury.

1590 (6) The Executive Director of the Department of Human  
1591 Services shall establish a statewide central register of reports  
1592 made pursuant to this section. The central register shall be  
1593 capable of receiving reports of vulnerable persons in need of





1594 protective services seven (7) days a week, twenty-four (24) hours  
1595 a day. To effectuate this purpose, the executive director shall  
1596 establish a single toll-free statewide phone number that all  
1597 persons may use to report vulnerable persons in need of protective  
1598 services, and that all persons authorized by subsection (7) of  
1599 this section may use for determining the existence of prior  
1600 reports in order to evaluate the condition or circumstances of the  
1601 vulnerable person before them. Such oral reports and evidence of  
1602 previous reports shall be transmitted to the appropriate county  
1603 department of human services. The central register shall include,  
1604 but not be limited to, the following information: the name and  
1605 identifying information of the individual reported, the county  
1606 department of human services responsible for the investigation of  
1607 each such report, the names, affiliations and purposes of any  
1608 person requesting or receiving information which the executive  
1609 director believes might be helpful in the furtherance of the  
1610 purposes of this chapter, the name, address, birth date, social  
1611 security number of the perpetrator of abuse, neglect and/or  
1612 exploitation, and the type of abuse, neglect and/or exploitation  
1613 of which there was substantial evidence upon investigation of the  
1614 report. The central register shall inform the person making  
1615 reports required under this section of his or her right to request  
1616 statements from the department as to what action is being taken,  
1617 if any.



1618           Each person, business, organization or other entity, whether  
1619 public or private, operated for profit, operated for nonprofit or  
1620 a voluntary unit of government not responsible for law enforcement  
1621 providing care, supervision or treatment of vulnerable persons  
1622 shall conduct criminal history records checks on each new employee  
1623 of the entity who provides, and/or would provide direct patient  
1624 care or services to adults or vulnerable persons, as provided in  
1625 Section 43-11-13.

1626           The department shall not release data that would be harmful  
1627 or detrimental to the vulnerable person or that would identify or  
1628 locate a person who, in good faith, made a report or cooperated in  
1629 a subsequent investigation unless ordered to do so by a court of  
1630 competent jurisdiction.

1631           (7) Reports made pursuant to this section, reports written  
1632 or photographs taken concerning such reports in the possession of  
1633 the Department of Human Services or the county department of human  
1634 services shall be confidential and shall only be made available  
1635 to:

1636                   (a) A physician who has before him a vulnerable person  
1637 whom he reasonably suspects may be abused, neglected or exploited,  
1638 as defined in Section 43-47-5;

1639                   (b) A duly authorized agency having the responsibility  
1640 for the care or supervision of a subject of the report;



1641 (c) A grand jury or a court of competent jurisdiction,  
1642 upon finding that the information in the record is necessary for  
1643 the determination of charges before the grand jury;

1644 (d) A district attorney or other law enforcement  
1645 official.

1646 Notwithstanding the provisions of paragraph (b) of this  
1647 subsection, the department may not disclose a report of the  
1648 abandonment, exploitation, abuse, neglect or self-neglect of a  
1649 vulnerable person to the vulnerable person's guardian,  
1650 attorney-in-fact, surrogate decision maker, or caregiver who is a  
1651 perpetrator or alleged perpetrator of the abandonment,  
1652 exploitation, abuse or neglect of the vulnerable person.

1653 Any person given access to the names or other information  
1654 identifying the subject of the report, except the subject of the  
1655 report, shall not divulge or make public such identifying  
1656 information unless he is a district attorney or other law  
1657 enforcement official and the purpose is to initiate court action.  
1658 Any person who willfully permits the release of any data or  
1659 information obtained pursuant to this section to persons or  
1660 agencies not permitted to such access by this section shall be  
1661 guilty of a misdemeanor.

1662 (8) Upon reasonable cause to believe that a caretaker or  
1663 other person has abused, neglected or exploited a vulnerable  
1664 person, the department shall promptly notify the district attorney  
1665 of the county in which the vulnerable person is located and the



1666 Office of the Attorney General, except as provided in Section  
1667 43-47-37(2).

1668           **SECTION 14.** This act shall take effect and be in force from  
1669 and after July 1, 2019.

