

By: Senator(s) Fillingane

To: Judiciary, Division B

SENATE BILL NO. 2335

1 AN ACT TO ENACT THE MISSISSIPPI PARENTAL RESPONSIBILITY ACT
 2 OF 2025; TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR ANY PARENT OR
 3 GUARDIAN TO NEGLIGENTLY, INTENTIONALLY, KNOWINGLY OR RECKLESSLY
 4 COMMIT ANY ACT OR OMITS THE PERFORMANCE OF ANY DUTY, WHICH ACT OR
 5 OMISSION CONTRIBUTES TO, OR TENDS TO CONTRIBUTE TO THE CRIMINAL
 6 ACTION OF ANY CHILD WHO IS CONVICTED AS AN ADULT IN CIRCUIT COURT;
 7 TO PROVIDE CRIMINAL PENALTIES FOR A VIOLATION OF THE SECTION; TO
 8 AMEND SECTION 97-5-39, MISSISSIPPI CODE OF 1972, TO REVISE THE
 9 INTENT REQUIREMENT OF THE CRIME OF CONTRIBUTING TO THE NEGLECT OR
 10 DELINQUENCY OF A CHILD TO INCLUDE CRIMINAL NEGLIGENCE; TO PROVIDE
 11 FOR FELONY CRIMINAL PENALTIES FOR A SECOND OR SUBSEQUENT OFFENSE
 12 UNDER THIS SECTION; TO AMEND SECTION 93-13-2, MISSISSIPPI CODE OF
 13 1972, TO REMOVE THE LIMIT TO THE AMOUNT OF RECOVERABLE DAMAGES AND
 14 COURT COSTS FROM A PARENT OF A MINOR CHILD WHO MALICIOUSLY AND
 15 WILLFULLY DAMAGES OR DESTROYS REAL PROPERTY; AND FOR RELATED
 16 PURPOSES.

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

18 **SECTION 1.** This act shall be known and may be cited as the
 19 "Mississippi Parental Responsibility Act of 2025."

20 **SECTION 2.** (1) It shall be unlawful for any parent or
 21 guardian to negligently, intentionally, knowingly or recklessly
 22 commit any act or omit the performance of any duty, which act or
 23 omission contributes to the criminal action of any child who is
 24 convicted as an adult in circuit court.

25 (2) It shall be unlawful for any parent or guardian to
26 negligently, intentionally, knowingly or recklessly commit any act
27 or omit the performance of any duty, which act or omission tends
28 to contribute to the criminal action of any child who is convicted
29 as an adult in circuit court.

30 (3) (a) Upon conviction under subsection (1) of this
31 section, a person commits a felony punishable by imprisonment in
32 the Department of Corrections for not less than three (3) years
33 nor more than twenty-five (25) years, a fine not to exceed Ten
34 Thousand Dollars (\$10,000.00), or both.

35 (b) Upon conviction under subsection (2) of this
36 section, a person commits a felony punishable by imprisonment in
37 the Department of Corrections for not less than one (1) years nor
38 more than fifteen (15) years, a fine not to exceed Five Thousand
39 Dollars (\$5,000.00), or both.

40 (4) For the purpose of this section, a child is a person who
41 has not reached his eighteenth birthday. A child who has not
42 reached his eighteenth birthday and is on active duty for a branch
43 of the armed services, or who is married, is not considered a
44 child for the purposes of this statute.

45 **SECTION 3.** Section 97-5-39, Mississippi Code of 1972, is
46 amended as follows:

47 97-5-39. (1) (a) Except as otherwise provided in this
48 section, any parent, guardian or other person who negligently,
49 intentionally, knowingly or recklessly commits any act or omits

50 the performance of any duty, which act or omission contributes to
51 or tends to contribute to the neglect or delinquency of any child
52 or which act or omission results in the abuse of any child, as
53 defined in Section 43-21-105(m) of the Youth Court Law, or who
54 knowingly aids any child in escaping or absenting himself from the
55 guardianship or custody of any person, agency or institution, or
56 knowingly harbors or conceals, or aids in harboring or concealing,
57 any child who has absented himself without permission from the
58 guardianship or custody of any person, agency or institution to
59 which the child shall have been committed by the youth court shall
60 be guilty of a misdemeanor * * * upon conviction of a first
61 offense and shall be punished by a fine not to exceed One Thousand
62 Dollars (\$1,000.00), or by imprisonment not to exceed one (1) year
63 in jail, or * * * both. Upon conviction of a second offense under
64 this subsection (1) (a), a person shall be guilty of a felony and
65 shall be punished by a fine not to exceed Five Thousand Dollars
66 (\$5,000.00), or by imprisonment not to exceed five (5) years in
67 the Department of Corrections, or both.

68 (b) For the purpose of this section, a child is a
69 person who has not reached his eighteenth birthday. A child who
70 has not reached his eighteenth birthday and is on active duty for
71 a branch of the armed services, or who is married, is not
72 considered a child for the purposes of this statute.

73 (c) If a child commits one (1) of the proscribed acts
74 in subsection (2) (a), (b) or (c) of this section upon another

75 child, then original jurisdiction of all such offenses shall be in
76 youth court.

77 (d) If the parent has failed to provide the child with
78 food, clothing, or shelter necessary to sustain the life or health
79 of the child, excluding failure caused by financial inability
80 unless relief services have been offered and refused and the child
81 is in imminent risk of harm, or the parent is unwilling to provide
82 reasonably necessary medical care, though that medical care does
83 not include recommended or optional vaccinations against childhood
84 or any other disease, the person may be sentenced to imprisonment
85 in custody of the Department of Corrections for not more than five
86 (5) years or to payment of a fine of not more than Five Thousand
87 Dollars (\$5,000.00), or both.

88 (e) A parent, legal guardian or other person who
89 knowingly permits the continuing physical or sexual abuse of a
90 child is guilty of neglect of a child and may be sentenced to
91 imprisonment in the custody of the Department of Corrections for
92 not more than ten (10) years or to payment of a fine of not more
93 than Ten Thousand Dollars (\$10,000.00), or both.

94 (2) Any person shall be guilty of felonious child abuse in
95 the following circumstances:

96 (a) Whether bodily harm results or not, if the person
97 shall intentionally, knowingly or recklessly:

- 98 (i) Burn any child;
99 (ii) Torture any child;

100 (iii) Strangle, choke, smother or in any way
101 interfere with any child's breathing;
102 (iv) Poison a child;
103 (v) Starve a child of nourishments needed to
104 sustain life or growth;
105 (vi) Use any type of deadly weapon upon any child;
106 (b) If some bodily harm to any child actually occurs,
107 and if the person shall intentionally, knowingly or recklessly:
108 (i) Throw, kick, bite, or cut any child;
109 (ii) Strike a child under the age of fourteen (14)
110 about the face or head with a closed fist;
111 (iii) Strike a child under the age of five (5) in
112 the face or head;
113 (iv) Kick, bite, cut or strike a child's genitals;
114 circumcision of a male child is not a violation under this
115 subparagraph (iv);
116 (c) If serious bodily harm to any child actually
117 occurs, and if the person shall intentionally, knowingly or
118 recklessly:
119 (i) Strike any child on the face or head;
120 (ii) Disfigure or scar any child;
121 (iii) Whip, strike or otherwise abuse any child;
122 (d) Any person, upon conviction under paragraph (a) or
123 (c) of this subsection, shall be sentenced by the court to
124 imprisonment in the custody of the Department of Corrections for a

125 term of not less than five (5) years and up to life, as determined
126 by the court. Any person, upon conviction under paragraph (b) of
127 this subsection shall be sentenced by the court to imprisonment in
128 the custody of the Department of Corrections for a term of not
129 less than two (2) years nor more than ten (10) years, as
130 determined by the court. For any second or subsequent conviction
131 under this subsection (2), the person shall be sentenced to
132 imprisonment for life.

133 (e) For the purposes of this subsection (2), "bodily
134 harm" means any bodily injury to a child and includes, but is not
135 limited to, bruising, bleeding, lacerations, soft tissue swelling,
136 and external or internal swelling of any body organ.

137 (f) For the purposes of this subsection (2), "serious
138 bodily harm" means any serious bodily injury to a child and
139 includes, but is not limited to, the fracture of a bone, permanent
140 disfigurement, permanent scarring, or any internal bleeding or
141 internal trauma to any organ, any brain damage, any injury to the
142 eye or ear of a child or other vital organ, and impairment of any
143 bodily function.

144 (g) For purposes of this subsection (2), "torture"
145 means any act, omission, or intentional neglect committed by an
146 individual upon a child within his custody or physical control,
147 whereby unnecessary or unjustifiable physical or mental pain or
148 suffering is caused or permitted, regardless of whether serious
149 physical injury results. Child torture involves treatment that is

150 intentionally cruel, inhumane, and degrading, including, but not
151 limited to: intentionally starving a child; forcing a child to
152 sit in urine or feces; binding or restraining a child; repeatedly
153 physically injuring a child; exposing the child to extreme
154 temperatures without adequate clothing or shelter; locking a child
155 in closets or other small spaces; and forcing a child into stress
156 positions or exercise resulting in prolonged suffering.

157 (h) Nothing contained in paragraph (c) of this
158 subsection shall preclude a parent or guardian from disciplining a
159 child of that parent or guardian, or shall preclude a person in
160 loco parentis to a child from disciplining that child, if done in
161 a reasonable manner, and reasonable corporal punishment or
162 reasonable discipline as to that parent or guardian's child or
163 child to whom a person stands in loco parentis shall be a defense
164 to any violation charged under paragraph (c) of this subsection.

165 (i) Reasonable discipline and reasonable corporal
166 punishment shall not be a defense to acts described in paragraphs
167 (a) and (b) of this subsection or if a child suffers serious
168 bodily harm as a result of any act prohibited under paragraph (c)
169 of this subsection.

170 (3) Nothing contained in this section shall prevent
171 proceedings against the parent, guardian or other person under any
172 statute of this state or any municipal ordinance defining any act
173 as a crime or misdemeanor. Nothing in the provisions of this
174 section shall preclude any person from having a right to trial by

175 jury when charged with having violated the provisions of this
176 section.

177 (4) (a) A parent, legal guardian or caretaker who endangers
178 a child's person or health by knowingly causing or permitting the
179 child to be present where any person is selling, manufacturing or
180 possessing immediate precursors or chemical substances with intent
181 to manufacture, sell or possess a controlled substance as
182 prohibited under Section 41-29-139 or 41-29-313, is guilty of
183 child endangerment and may be sentenced to imprisonment for not
184 more than ten (10) years or to payment of a fine of not more than
185 Ten Thousand Dollars (\$10,000.00), or both.

186 (b) If the endangerment results in substantial harm to
187 the child's physical, mental or emotional health, the person may
188 be sentenced to imprisonment for not more than twenty (20) years
189 or to payment of a fine of not more than Twenty Thousand Dollars
190 (\$20,000.00), or both.

191 (5) Nothing contained in this section shall prevent
192 proceedings against the parent, guardian or other person under any
193 statute of this state or any municipal ordinance defining any act
194 as a crime or misdemeanor. Nothing in the provisions of this
195 section shall preclude any person from having a right to trial by
196 jury when charged with having violated the provisions of this
197 section.

198 (6) After consultation with the Department of Child
199 Protection Services, a regional mental health center or an

200 appropriate professional person, a judge may suspend imposition or
201 execution of a sentence provided in subsections (1) and (2) of
202 this section and in lieu thereof require treatment over a
203 specified period of time at any approved public or private
204 treatment facility. A person may be eligible for treatment in
205 lieu of criminal penalties no more than one (1) time.

206 (7) In any proceeding resulting from a report made pursuant
207 to Section 43-21-353 of the Youth Court Law, the testimony of the
208 physician making the report regarding the child's injuries or
209 condition or cause thereof shall not be excluded on the ground
210 that the physician's testimony violates the physician-patient
211 privilege or similar privilege or rule against disclosure. The
212 physician's report shall not be considered as evidence unless
213 introduced as an exhibit to his testimony.

214 (8) Any criminal prosecution arising from a violation of
215 this section shall be tried in the circuit, county, justice or
216 municipal court having jurisdiction; provided, however, that
217 nothing herein shall abridge or dilute the contempt powers of the
218 youth court.

219 **SECTION 4.** Section 93-13-2, Mississippi Code of 1972, is
220 amended as follows:

221 93-13-2. (1) Any property owner shall be entitled to
222 recover damages * * * and court costs, from the parents of any
223 minor under the age of eighteen (18) years and over the age of ten
224 (10), who maliciously and willfully damages or destroys property

225 belonging to such owner. However, this section shall not apply to
226 parents whose parental custody and control of such child have been
227 removed by court order or decree.

228 (2) The action authorized in this section shall be in
229 addition to all other actions which the owner is entitled to
230 maintain and nothing in this section shall preclude recovery in a
231 greater amount from the minor or from any person, including the
232 parents, for damages to which such minor or other person would
233 otherwise be liable.

234 (3) It is the purpose of this section to authorize recovery
235 from parents in situations where they are not otherwise liable and
236 to limit the amount of recovery. The provisions of this section
237 shall apply only to acts committed on and after July 1, 1978.

238 **SECTION 5.** This act shall take effect and be in force from
239 and after July 1, 2025.