

By: Senator(s) Barrett

To: Judiciary, Division B

SENATE BILL NO. 2241

1 AN ACT TO AMEND SECTION 45-33-26, MISSISSIPPI CODE OF 1972,
 2 TO PROHIBIT A PERSON REQUIRED TO REGISTER AS A SEX OFFENDER FROM
 3 BEING EMPLOYED AS A FIRST RESPONDER WITHOUT ADVANCE APPROVAL FROM
 4 THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SEX OFFENDER
 5 REGISTRY; TO DEFINE THE TERM "FIRST RESPONDER"; AND FOR RELATED
 6 PURPOSES.

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

8 **SECTION 1.** Section 45-33-26, Mississippi Code of 1972, is
 9 amended as follows:

10 45-33-26. (1) (a) Unless exempted under subsection (2), it
 11 is unlawful for a person required to register as a sex offender
 12 under Section 45-33-25:

13 (i) To be present in any school building, on real
 14 property comprising any school, or in any conveyance owned, leased
 15 or contracted by a school to transport students to or from school
 16 or a school-related activity when persons under the age of
 17 eighteen (18) are present in the building, on the grounds or in
 18 the conveyance; or

19 (ii) To loiter within five hundred (500) feet of a
 20 school building or real property comprising any school while



21 persons under the age of eighteen (18) are present in the building
22 or on the grounds.

23 (b) It is unlawful for a person required to register as
24 a sex offender under Section 45-33-25 to visit or be in or about
25 any public beach or public campground where minor children
26 congregate without advance approval from the Director of the
27 Department of Public Safety Sex Offender Registry, and the
28 registrant is required to immediately report any incidental
29 contact with minor children to the director.

30 (c) It is unlawful for a person required to register as
31 a sex offender under Section 45-33-25 to be employed as a first
32 responder.

33 (2) (a) A person required to register as a sex offender who
34 is a parent or guardian of a student attending the school and who
35 complies with subsection (3) may be present on school property if
36 the parent or guardian is:

37 (i) Attending a conference at the school with
38 school personnel to discuss the progress of the sex offender's
39 child academically or socially;

40 (ii) Participating in child review conferences in
41 which evaluation and placement decisions may be made with respect
42 to the sex offender's child regarding special education services;

43 (iii) Attending conferences to discuss other
44 student issues concerning the sex offender's child such as
45 retention and promotion;



46 (iv) Transporting the sex offender's child to and
47 from school; or

48 (v) Present at the school because the presence of
49 the sex offender has been requested by the principal for any other
50 reason relating to the welfare of the child.

51 (b) Subsection (1) of this section shall not apply to a
52 sex offender who is legally enrolled in a particular school or is
53 participating in a school-sponsored educational program located at
54 a particular school when the sex offender is present at that
55 school.

56 (3) (a) In order to exercise the exemption under subsection
57 (2), a parent or guardian who is required to register as a sex
58 offender must notify the principal of the school of the sex
59 offender's presence at the school unless the offender: (i) has
60 permission to be present from the superintendent or the school
61 board, or (ii) the principal has granted ongoing permission for
62 regular visits of a routine nature.

63 (b) If permission is granted by the superintendent or
64 the school board, the superintendent or school board president
65 must inform the principal of the school where the sex offender
66 will be present. Notification includes the nature of the sex
67 offender's visit and the hours when the sex offender will be
68 present in the school, and the sex offender is responsible for
69 notifying the principal's office upon arrival and upon departure.
70 If the sex offender is to be present in the vicinity of children,



71 the sex offender has the duty to remain under the direct
72 supervision of a school official.

73 (4) For the purposes of this section, the following terms
74 shall have the meanings ascribed unless the context clearly
75 requires otherwise:

76 (a) "First responder" means a paramedic, emergency
77 medical technician or other individual who, in the course of his
78 or her professional duties, responds to fire, medical, hazardous
79 material or other similar emergencies. "First responder" includes
80 an employee of a legally organized and recognized volunteer
81 organization, whether compensated or not.

82 (* * *b) "School" means a public or private preschool,
83 elementary school or secondary school.

84 (* * *c) "Loiter" means standing or sitting idly,
85 whether in or out of a vehicle, or remaining in or around school
86 property without a legitimate reason.

87 (* * *d) "School official" means the principal, a
88 teacher, any other certified employee of the school, the
89 superintendent of schools, or a member of the school board.

90 (5) A sex offender who violates this section is guilty of a
91 misdemeanor and subject to a fine not to exceed One Thousand
92 Dollars (\$1,000.00), incarceration not to exceed six (6) months in
93 jail, or both.

94 (6) It is a defense to prosecution under this section that
95 the sex offender did not know and could not reasonably know that



96 the property or conveyance fell within the proscription of this
97 section.

98 (7) Nothing in this section shall be construed to infringe
99 upon the constitutional right of a sex offender to be present in a
100 school building that is used as a polling place for the purpose of
101 voting.

102 **SECTION 2.** This act shall take effect and be in force from
103 and after July 1, 2023.

