

Chapter No. 369
10/HR40/R1802CS

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HOUSE BILL NO. 1135

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1135

AN ACT TO AMEND SECTION 97-3-104, MISSISSIPPI CODE OF 1972, TO PROHIBIT SEXUAL ACTIVITY BETWEEN AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY OR CORRECTIONAL FACILITY AND AN OFFENDER; TO PROHIBIT SEXUAL ACTIVITY BETWEEN A CIVILIAN WITH CERTAIN SUPERVISORY AUTHORITY AND AN INCARCERATED OFFENDER; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 97-3-104, Mississippi Code of 1972, is amended as follows:

97-3-104. (1) It is unlawful for any jailer, guard, employee of the Department of Corrections, sheriff, constable, marshal, other officer, or employee of a law enforcement agency or correctional facility to engage in any sexual penetration, as defined in Section 97-3-97, or other sexual act with any offender, with the offender's consent, who is incarcerated at any jail or any state, county or private correctional facility or who is serving on probation, parole, earned-release supervision, post-release supervision, earned probation, intensive supervision or any other form of correctional supervision.

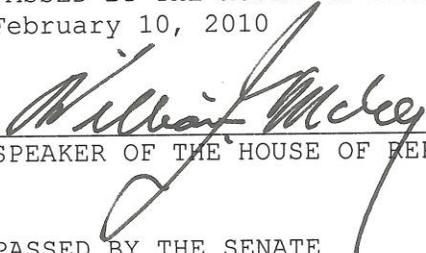
(2) It is unlawful for any civilian with supervisory or custodial authority over an offender to engage in any sexual penetration, as defined in Section 97-3-97, or other sexual act with the offender, with the offender's consent, who is incarcerated at any jail or any state, county or private correctional facility.

(3) Any person who violates this section is guilty of a felony and upon conviction shall be fined not more than Five

Thousand Dollars (\$5,000.00) or imprisoned for a term not to exceed five (5) years, or both.

SECTION 2. This act shall take effect and be in force from and after its passage.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 10, 2010



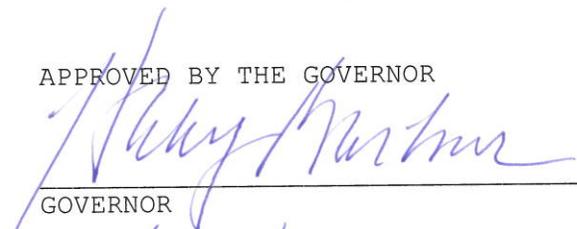
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 8, 2010



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

3/16/10

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