

By: Senator(s) Nunnelee

To: Judiciary

SENATE BILL NO. 2001

1 AN ACT TO AMEND SECTION 97-3-101, MISSISSIPPI CODE OF 1972,  
2 TO REINSTATE THE FELONY PENALTY FOR SEXUAL BATTERY OF A CHILD  
3 UNDER THE AGE OF 18 WHEN COMMITTED BY A PERSON IN A POSITION OF  
4 TRUST OR AUTHORITY OVER THE CHILD; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 97-3-101, Mississippi Code of 1972, is  
7 amended as follows:

8 97-3-101. (1) Every person who shall be convicted of sexual  
9 battery under Section 97-3-95(1)(a), (b), or (2) shall be  
10 imprisoned in the State Penitentiary for a period of not more than  
11 thirty (30) years, and for a second or subsequent such  
12 offense shall be imprisoned in the penitentiary for not more than  
13 forty (40) years.

14 (2) (a) Every person who shall be convicted of sexual  
15 battery under Section 97-3-95(1)(c) who is at least eighteen (18)  
16 but under twenty-one (21) years of age shall be imprisoned for not  
17 more than five (5) years in the State Penitentiary or fined not  
18 more than Five Thousand Dollars (\$5,000.00), or both;

19 (b) Every person who shall be convicted of sexual  
20 battery under Section 97-3-95(1)(c) who is twenty-one (21) years  
21 of age or older shall be imprisoned not more than thirty (30)  
22 years in the State Penitentiary or fined not more than Ten  
23 Thousand Dollars (\$10,000.00), or both, for the first offense, and  
24 not more than forty (40) years in the State Penitentiary for each  
25 subsequent offense.

26 (3) Every person who shall be convicted of sexual battery  
27 under Section 97-3-95(1)(d) who is eighteen (18) years of age or

28 older shall be imprisoned for life in the State Penitentiary or  
29 such lesser term of imprisonment as the court may determine, but  
30 not less than twenty (20) years.

31 (4) Every person who shall be convicted of sexual battery  
32 who is thirteen (13) years of age or older but under eighteen (18)  
33 years of age shall be sentenced to such imprisonment, fine or  
34 other sentence as the court, in its discretion, may determine.

35 SECTION 2. This act shall take effect and be in force from  
36 and after July 1, 1999.