

By: Representatives Roberson, Janus

To: Judiciary B

HOUSE BILL NO. 637

1 AN ACT TO AMEND SECTION 97-3-65, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PENALTY FOR FORCIBLE RAPE; AND FOR RELATED PURPOSES.

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

4 SECTION 1. Section 97-3-65, Mississippi Code of 1972, is
5 amended as follows:

6 97-3-65. (1) The crime of statutory rape is committed when:

7 (a) Any person seventeen (17) years of age or older has
8 sexual intercourse with a child who:

9 (i) Is at least fourteen (14) but under sixteen
10 (16) years of age;

11 (ii) Is thirty-six (36) or more months younger
12 than the person; and

13 (iii) Is not the person's spouse; or

14 (b) A person of any age has sexual intercourse with a
15 child who:

16 (i) Is under the age of fourteen (14) years;

17 (ii) Is twenty-four (24) or more months younger
18 than the person; and

19 (iii) Is not the person's spouse.

20 (c) Neither the victim's consent nor the victim's lack
21 of chastity is a defense to a charge of statutory rape.

22 (2) Upon conviction for statutory rape, the defendant shall
23 be sentenced as follows:

24 (a) If eighteen (18) years of age or older, but under
25 twenty-one (21) years of age, and convicted under paragraph (1)(a)
26 of this section, to imprisonment for not more than five (5) years



27 in the State Penitentiary or a fine of not more than Five Thousand
28 Dollars (\$5,000.00), or both;

29 (b) If twenty-one (21) years of age or older and
30 convicted under paragraph (1)(a) of this section, to imprisonment
31 of not more than thirty (30) years in the State Penitentiary or a
32 fine of not more than Ten Thousand Dollars (\$10,000.00), or both,
33 for the first offense, and not more than forty (40) years in the
34 State Penitentiary for each subsequent offense;

35 (c) If eighteen (18) years of age or older and
36 convicted under paragraph (1)(b) of this section, to imprisonment
37 for life in the State Penitentiary or such lesser term of
38 imprisonment as the court may determine, but not less than twenty
39 (20) years.

40 (d) If thirteen (13) years of age or older but under
41 eighteen (18) years of age and convicted under paragraphs (1)(a)
42 or (1)(b) of this section, such imprisonment, fine or other
43 sentence as the court, in its discretion, may determine.

44 (3) (a) Every person who shall have forcible sexual
45 intercourse with any person, or who shall have sexual intercourse
46 not constituting forcible sexual intercourse or statutory rape
47 with any person without that person's consent by administering to
48 such person any substance or liquid which shall produce such
49 stupor or such imbecility of mind or weakness of body as to
50 prevent effectual resistance, upon conviction, shall be imprisoned
51 for life without parole in the State Penitentiary or such
52 convicted person may elect to be castrated in lieu of imprisonment
53 for life without parole. If such person elects to be castrated,
54 he shall also be sentenced for a term of imprisonment to be
55 determined by the jury or the court.

56 (b) This subsection (3) shall apply whether the
57 perpetrator is married to the victim or not.

58 (4) In all cases where a victim is under the age of sixteen
59 (16) years, it shall not be necessary to prove penetration where



60 it is shown the genitals, anus or perineum of the child have been
61 lacerated or torn in the attempt to have sexual intercourse with
62 the child.

63 (5) For the purposes of this section, "sexual intercourse"
64 shall mean a joining of the sexual organs of a male and female
65 human being in which the penis of the male is inserted into the
66 vagina of the female.

67 SECTION 2. This act shall take effect and be in force from
68 and after July 1, 2001.

