

By: Representative Zuber

To: Judiciary B

HOUSE BILL NO. 916

1 AN ACT TO AMEND SECTION 97-5-23, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE AGE FOR TOUCHING A CHILD FOR LUSTFUL PURPOSES; AND FOR
3 RELATED PURPOSES.

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

5 SECTION 1. Section 97-5-23, Mississippi Code of 1972, is
6 amended as follows:

7 97-5-23. (1) Any person above the age of sixteen (16)
8 years, who, for the purpose of gratifying his or her lust, or
9 indulging his or her depraved licentious sexual desires, shall
10 handle, touch or rub with hands or any part of his or her body or
11 any member thereof, any child under the age of sixteen (16) years,
12 with or without the child's consent, or a mentally defective,
13 mentally incapacitated or physically helpless person as defined in
14 Section 97-3-97, shall be guilty of a felony and, upon conviction
15 thereof, shall be fined in a sum not less than One Thousand
16 Dollars (\$1,000.00) nor more than Five Thousand Dollars
17 (\$5,000.00), or be committed to the custody of the State
18 Department of Corrections not less than two (2) years nor more
19 than fifteen (15) years, or be punished by both such fine and
20 imprisonment, at the discretion of the court.

21 (2) Any person above the age of sixteen (16) years, who, for
22 the purpose of gratifying his or her lust, or indulging his or her
23 depraved licentious sexual desires, shall handle, touch or rub
24 with hands or any part of his or her body or any member thereof,
25 any child younger than himself or herself and under the age of
26 sixteen (16) years who is not such person's spouse, with or
27 without the child's consent, when the person occupies a position



28 of trust or authority over the child shall be guilty of a felony
29 and, upon conviction thereof, shall be fined in a sum not less
30 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand
31 Dollars (\$5,000.00), or be committed to the custody of the State
32 Department of Corrections not less than two (2) years nor more
33 than fifteen (15) years, or be punished by both such fine and
34 imprisonment, at the discretion of the court. A person in a
35 position of trust or authority over a child includes without
36 limitation a child's teacher, counselor, physician, psychiatrist,
37 psychologist, minister, priest, physical therapist, chiropractor,
38 legal guardian, parent, stepparent, aunt, uncle, scout leader or
39 coach.

40 (3) Upon a second conviction for an offense under this
41 section, the person so convicted shall be punished by commitment
42 to the State Department of Corrections for a term not to exceed
43 twenty (20) years, however, upon conviction and sentencing, the
44 offender shall serve at least one-half (1/2) of the sentence so
45 imposed.

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

