HOUSE BILL NO. 916

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

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

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

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

(2) Any person above the age of sixteen (16) years, who, for the purpose of gratifying his or her lust, or indulging his or her depraved licentious sexual desires, shall handle, touch or rub with hands or any part of his or her body or any member thereof, any child younger than himself or herself and under the age of sixteen (16) years who is not such person's spouse, with or without the child's consent, when the person occupies a position
of trust or authority over the child shall be guilty of a felony
and, upon conviction thereof, shall be fined in a sum not less
than One Thousand Dollars ($1,000.00) nor more than Five Thousand
Dollars ($5,000.00), or be committed to the custody of the State
Department of Corrections not less than two (2) years nor more
than fifteen (15) years, or be punished by both such fine and
imprisonment, at the discretion of the court. A person in a
position of trust or authority over a child includes without
limitation a child's teacher, counselor, physician, psychiatrist,
psychologist, minister, priest, physical therapist, chiropractor,
legal guardian, parent, stepparent, aunt, uncle, scout leader or
coach.

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

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