

By: Representative Malone

To: Corrections

HOUSE BILL NO. 1130

1 AN ACT TO AMEND SECTION 97-3-104, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE PROHIBITION REGARDING CARNAL KNOWLEDGE OF AN
3 OFFENDER BY CORRECTIONAL OFFICERS; AND FOR RELATED PURPOSES.

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

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

7 97-3-104. It shall be unlawful for any jailer, guard,
8 employee of the Department of Corrections, sheriff, constable,
9 marshal or other officer to have carnal knowledge of any offender,
10 with or without the offender's consent, who is incarcerated at any
11 jail or any state, county or private correctional facility. Any
12 person who violates this section shall be guilty of a felony and
13 upon conviction shall be fined not more than Five Thousand Dollars
14 (\$5,000.00) or imprisoned for a term not to exceed five (5) years,
15 or both.

16 **SECTION 2.** This act shall take effect and be in force from
17 and after July 1, 2004.