

By: Representative Malone

To: Corrections

HOUSE BILL NO. 1130
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 97-3-104, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY CRIME OF SEX BETWEEN LAW ENFORCEMENT PERSONNEL AND
3 PRISONERS; 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 is unlawful for any jailer, guard, employee of
8 the Department of Corrections, sheriff, constable, marshal or
9 other officer to engage in any sexual penetration as defined in
10 Section 97-3-97, Mississippi Code of 1972, or have carnal
11 knowledge of any offender, with or without the offender's consent,
12 who is incarcerated at any jail or any state, county or private
13 correctional facility. Any person who violates this section is
14 guilty of a felony and upon conviction shall be fined not more
15 than Five Thousand Dollars (\$5,000.00) or imprisoned for a term
16 not to exceed five (5) years, or both.

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