

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1130: Correctional officers; clarify prohibition against carnal knowledge of any offender.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

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.

CONFEREES FOR THE HOUSE

X (SIGNED)
Bennett Malone

X (SIGNED)
Greg Ward

X (SIGNED)
John Mayo

CONFEREES FOR THE SENATE

X (SIGNED)
Gray Tollison

X (SIGNED)
J. Ed Morgan

X (SIGNED)
Terry W. Brown