

By: Representative Malone

To: Corrections

HOUSE BILL NO. 612

1 AN ACT TO AMEND SECTION 97-3-104, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT SEXUAL ACTIVITY BETWEEN LAW ENFORCEMENT OFFICIALS AND  
3 OFFENDERS WHO ARE UNDER CORRECTIONAL SUPERVISION; AND FOR RELATED  
4 PURPOSES.

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

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

8 97-3-104. It is unlawful for any jailer, guard, employee of  
9 the Department of Corrections, sheriff, constable, marshal or  
10 other officer to engage in any sexual penetration, as defined in  
11 Section 97-3-97, or have carnal knowledge of any offender, with or  
12 without the offender's consent, who is incarcerated at any jail or  
13 any state, county or private correctional facility or who is  
14 serving on probation, parole, earned-release supervision,  
15 post-release supervision, earned probation or any other form of  
16 correctional supervision. Any person who violates this section is  
17 guilty of a felony and upon conviction shall be fined not more  
18 than Five Thousand Dollars (\$5,000.00) or imprisoned for a term  
19 not to exceed five (5) years, or both.

20 **SECTION 2.** This act shall take effect and be in force from  
21 and after July 1, 2005.