

By: Representative Malone

To: Corrections

HOUSE BILL NO. 612
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 97-3-104, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT SEXUAL ACTIVITY BETWEEN CORRECTION EMPLOYEES 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,
12 with * * * the offender's consent, who is incarcerated at any jail
13 or 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.