

By: Senator(s) Huggins

To: Corrections; Judiciary,  
Division B

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2458

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.