

Senate Amendments to House Bill No. 612

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

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.

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 PROHIBIT SEXUAL ACTIVITY BETWEEN CORRECTION EMPLOYEES AND
3 OFFENDERS WHO ARE UNDER CORRECTIONAL SUPERVISION; AND FOR RELATED
4 PURPOSES.

SS02\HB612A.J

John O. Gilbert
Secretary of the Senate