

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2013

1 AN ACT TO AMEND SECTION 97-3-104, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THE PROHIBITION AGAINST CONSENSUAL SEX BETWEEN A JAILER  
3 AND A DETAINEE; AND FOR RELATED PURPOSES.

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

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, or have carnal knowledge of any person, with the  
11 person's consent, who is in custody at any jail or any state,  
12 county or private correctional facility or who is serving on  
13 probation, parole, earned-release supervision, post-release  
14 supervision, earned probation or any other form of correctional  
15 supervision. Any person who violates this section is guilty of a  
16 felony and upon conviction shall be fined not more than Five  
17 Thousand Dollars (\$5,000.00) or imprisoned for a term not to  
18 exceed five (5) years, or both.

19 **SECTION 2.** This act shall take effect and be in force from  
20 and after its passage.