

By: Senator(s) Doxey

To: Judiciary, Division B

SENATE BILL NO. 2836

1 AN ACT TO AMEND SECTION 97-3-101, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE PENALTY TO BE IMPOSED UPON CONVICTION FOR SEXUAL  
3 BATTERY; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-3-101, Mississippi Code of 1972, is  
6 amended as follows:

7 97-3-101. (1) Every person who shall be convicted of sexual  
8 battery under Section 97-3-95(1)(a), (b), or (2) shall be  
9 imprisoned in the State Penitentiary for a period of not less than  
10 five (5) nor more than thirty (30) years, and for a second or  
11 subsequent such offense shall be imprisoned in the penitentiary  
12 for not less than ten (10) nor more than forty (40) years.

13 (2) (a) Every person who shall be convicted of sexual  
14 battery under Section 97-3-95(1)(c) who is at least eighteen (18)  
15 but under twenty-one (21) years of age shall be imprisoned for not  
16 more than five (5) years in the State Penitentiary or fined not  
17 more than Five Thousand Dollars (\$5,000.00), or both;

18 (b) Every person who shall be convicted of sexual  
19 battery under Section 97-3-95(1)(c) who is twenty-one (21) years  
20 of age or older shall be imprisoned not more than thirty (30)  
21 years in the State Penitentiary or fined not more than Ten  
22 Thousand Dollars (\$10,000.00), or both, for the first offense, and  
23 not more than forty (40) years in the State Penitentiary for each  
24 subsequent offense.

25 (3) Every person who shall be convicted of sexual battery  
26 under Section 97-3-95(1)(d) who is eighteen (18) years of age or  
27 older shall be imprisoned for life in the State Penitentiary or

28 such lesser term of imprisonment as the court may determine, but  
29 not less than twenty (20) years.

30 (4) Every person who shall be convicted of sexual battery  
31 who is thirteen (13) years of age or older but under eighteen (18)  
32 years of age shall be sentenced to such imprisonment, fine or  
33 other sentence as the court, in its discretion, may determine.

34 **SECTION 2.** This act shall take effect and be in force from  
35 and after July 1, 2006.