

By: Representative Smith (39th)

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 661

1 AN ACT TO AMEND SECTION 97-5-33, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY UNDERCOVER DETECTION IN EXPLOITATION OF CHILDREN CASES;
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-5-33, Mississippi Code of 1972, is
6 amended as follows:

7 97-5-33. (1) No person shall, by any means including
8 computer, cause, solicit or knowingly permit any child to engage
9 in sexually explicit conduct or in the simulation of sexually
10 explicit conduct for the purpose of producing any visual depiction
11 of such conduct.

12 (2) No person shall, by any means including computer,
13 photograph, film, video tape or otherwise depict or record a child
14 engaging in sexually explicit conduct or in the simulation of
15 sexually explicit conduct.

16 (3) No person shall, by any means including computer,
17 knowingly send, transport, transmit, ship, mail or receive any
18 photograph, drawing, sketch, film, video tape or other visual
19 depiction of an actual child engaging in sexually explicit
20 conduct.

21 (4) No person shall, by any means including computer,
22 receive with intent to distribute, distribute for sale, sell or
23 attempt to sell in any manner any photograph, drawing, sketch,
24 film, video tape or other visual depiction of an actual child
25 engaging in sexually explicit conduct.

26 (5) No person shall, by any means including computer,
27 possess any photograph, drawing, sketch, film, video tape or other

28 visual depiction of an actual child engaging in sexually explicit
29 conduct.

30 (6) No person shall, by any means including computer,
31 knowingly entice, induce, persuade, seduce, solicit, advise,
32 coerce, or order a child to meet with the defendant or any other
33 person for the purpose of engaging in sexually explicit conduct.

34 (7) No person shall by any means, including computer,
35 knowingly entice, induce, persuade, seduce, solicit, advise,
36 coerce or order a child to produce any visual depiction of adult
37 sexual conduct or any sexually explicit conduct.

38 (8) The fact that an undercover operative or law enforcement
39 officer posed as a child or was involved in any other manner in
40 the detection and investigation of an offense under this section
41 shall not constitute a defense to a prosecution under this
42 section.

43 (9) For purposes of determining jurisdiction, the offense is
44 committed in this state if all or part of the conduct described in
45 this section occurs in the State of Mississippi or if the
46 transmission that constitutes the offense either originates in
47 this state or is received in this state.

48 **SECTION 2.** This act shall take effect and be in force from
49 and after July 1, 2007.