

By: Senator(s) Albritton, Butler, Carmichael, Chassaniol, Clarke, Dawkins, Dearing, Fillingane, Frazier, Harden, Horhn, Hyde-Smith, Jackson (11th), Jackson (15th), Jackson (32nd), Jordan, King, Kirby, Mettetal, Morgan, Posey, Ross, Simmons, Thames, Thomas, Tollison, Walls, White, Wilemon, Lee (35th), Hewes

To: Judiciary, Division B

SENATE BILL NO. 2492

1 AN ACT TO AMEND SECTION 97-5-33, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT THERE IS NOT A DEFENSE TO PROSECUTION FOR A CHARGE OF
3 CHILD EXPLOITATION WHEN THE CHILD ALLEGEDLY BEING EXPLOITED WAS
4 ACTUALLY A LAW ENFORCEMENT OFFICER; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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