

By: Senator(s) McDaniel

To: Judiciary, Division B

## SENATE BILL NO. 2464

1 AN ACT TO AMEND SECTION 97-5-23, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE PENALTY FOR THE TOUCHING OF A CHILD OR A MENTALLY  
3 DEFECTIVE, MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS PERSON  
4 FOR LUSTFUL PURPOSES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 97-5-23, Mississippi Code of 1972, is  
7 amended as follows:

8 97-5-23. (1) Any person above the age of eighteen (18)  
9 years, who, for the purpose of gratifying his or her lust, or  
10 indulging his or her depraved licentious sexual desires, shall  
11 handle, touch or rub with hands or any part of his or her body or  
12 any member thereof, any child under the age of sixteen (16) years,  
13 with or without the child's consent, or a mentally defective,  
14 mentally incapacitated or physically helpless person as defined in  
15 Section 97-3-97, shall be guilty of a felony and, upon conviction  
16 thereof, shall be fined in a sum not less than One Thousand  
17 Dollars (\$1,000.00) nor more than Five Thousand Dollars  
18 (\$5,000.00), or be committed to the custody of the State  
19 Department of Corrections not less than two (2) years but not more  
20 than thirty (30) years, or be punished by both such fine and  
21 imprisonment, at the discretion of the court.

22 (2) Any person above the age of eighteen (18) years, who,  
23 for the purpose of gratifying his or her lust, or indulging his or  
24 her depraved licentious sexual desires, shall handle, touch or rub  
25 with hands or any part of his or her body or any member thereof,  
26 any child younger than himself or herself and under the age of  
27 eighteen (18) years who is not such person's spouse, with or



28 without the child's consent, when the person occupies a position  
29 of trust or authority over the child shall be guilty of a felony  
30 and, upon conviction thereof, shall be fined in a sum not less  
31 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand  
32 Dollars (\$5,000.00), or be committed to the custody of the State  
33 Department of Corrections not less than five (5) years but not  
34 more than thirty (30) years, or be punished by both such fine and  
35 imprisonment, at the discretion of the court. A person in a  
36 position of trust or authority over a child includes, without  
37 limitation, a child's teacher, counselor, physician, psychiatrist,  
38 psychologist, minister, priest, physical therapist, chiropractor,  
39 legal guardian, parent, stepparent, aunt, uncle, scout leader or  
40 coach.

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42 **SECTION 2.** This act shall take effect and be in force from  
43 and after July 1, 2012.

