

By: Senator(s) Wiggins

To: Judiciary, Division B

SENATE BILL NO. 2117

1 AN ACT TO AMEND SECTION 97-5-23, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE OFFENSE OF FONDLING A CHILD UNDER THE AGE OF 18 AND TO
3 REVISE THE PENALTY THEREFOR; AND FOR RELATED PURPOSES.

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

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

7 97-5-23. (1) Any person above the age of eighteen (18)
8 years, who, for the purpose of gratifying his or her lust, or
9 indulging his or her depraved licentious sexual desires, shall
10 handle, touch or rub with hands or any part of his or her body or
11 any member thereof, or with any object, any child under the age of
12 sixteen (16) years, with or without the child's consent, or a
13 mentally defective, mentally incapacitated or physically helpless
14 person as defined in Section 97-3-97, shall be guilty of a felony
15 and, upon conviction thereof, shall be fined in a sum not less
16 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand
17 Dollars (\$5,000.00), or be committed to the custody of the State
18 Department of Corrections not less than two (2) years nor more



19 than fifteen (15) years, or be punished by both such fine and
20 imprisonment, at the discretion of the court.

21 (2) Any person above the age of eighteen (18) years, who,
22 for the purpose of gratifying his or her lust, or indulging his or
23 her depraved licentious sexual desires, shall handle, touch or rub
24 with hands or any part of his or her body or any member thereof,
25 any child younger than himself or herself and under the age of
26 eighteen (18) years who is not such person's spouse, with or
27 without the child's consent, when the person occupies a position
28 of trust or authority over the child shall be guilty of a felony
29 and, upon conviction thereof, shall be fined in a sum not less
30 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand
31 Dollars (\$5,000.00), or be committed to the custody of the State
32 Department of Corrections not less than two (2) years nor more
33 than fifteen (15) years, or be punished by both such fine and
34 imprisonment, at the discretion of the court. A person in a
35 position of trust or authority over a child includes without
36 limitation a child's teacher, counselor, physician, psychiatrist,
37 psychologist, minister, priest, physical therapist, chiropractor,
38 legal guardian, parent, stepparent, aunt, uncle, scout leader or
39 coach.

40 (3) Upon a second conviction for an offense under this
41 section or a substantially similar offense under the laws of
42 another state, the person so convicted shall be punished by
43 commitment to the State Department of Corrections for a term not



44 to exceed twenty (20) years, however, upon conviction and
45 sentencing * * *.

46 **SECTION 2.** This act shall take effect and be in force from
47 and after July 1, 2015.

