

By: Representative Bennett

To: Judiciary B

HOUSE BILL NO. 195

1 AN ACT TO CREATE NEW SECTION 97-3-9, MISSISSIPPI CODE OF
2 1972, TO PROVIDE FOR THE CRIME OF INDECENT ASSAULT; TO PROVIDE
3 PENALTIES FOR VIOLATION OF SUCH CRIME; TO PROVIDE THAT THIS
4 PROVISION OF LAW SHALL NOT BE CONSTRUED TO PREVENT, LIMIT OR
5 RESTRICT PROSECUTION AND CONVICTION OF ANY PERSON UNDER ANY OTHER
6 PROVISION OF LAW; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following shall be codified as Section
9 97-3-9, Mississippi Code of 1972:

10 97-3-9. (1) A person is guilty of indecent assault if he or
11 she, with the intent to gratify his or her lust, knowingly and
12 intentionally, with any part of his or her body, or any fluid,
13 feces or urine from his or her body:

14 (a) Touches any person on the breast, buttock, inner
15 thigh, groin, genital area or anal area without the consent of the
16 person being touched, whether beneath or outside the other
17 person's clothing; or

18 (b) Causes another person to touch the breast, buttock,
19 inner thigh, groin, genital area or anal area of the person
20 causing the touching, without the consent of the person who is



21 performing the touching, whether beneath or outside the person's
22 clothing; or

23 (c) Causes any person to touch the breast, buttock,
24 inner thigh, groin, genital area or anal area of another person
25 without the consent of the person being touched, whether beneath
26 or outside the other person's clothing.

27 (2) For purposes of this section, "consent" means conscious
28 and explicit permission given without the influence of any drug,
29 counterfeit drug or other paraphernalia, or force or threat of
30 force. "Consent" shall not mean conscious and explicit permission
31 given by any child as provided by the laws of this state, or any
32 mentally defective, incapacitated, physically helpless or
33 vulnerable person as provided by the laws of this state.

34 (3) A first or second conviction in violation of this
35 section, shall be punished as a misdemeanor, with a fine of not
36 less than Five Hundred Dollars (\$500.00) and no more than One
37 Thousand Five Hundred Dollars (\$1,500.00) or imprisoned in the
38 municipal or county jail for not more than six (6) months. A
39 third or subsequent conviction in violation of this section, with
40 the preceding convictions having occurred within a period of five
41 (5) years, whether against the same or different victim, shall be
42 punished as a felony with a fine of not more than Five Thousand
43 Dollars (\$5,000.00) or imprisoned in the State Penitentiary for
44 not more than three (3) years, or both.



45 (4) Nothing in this section shall be construed to prevent,
46 limit or restrict prosecution and conviction of any person under
47 any other provision of law.

48 **SECTION 2.** This act shall take effect and be in force from
49 and after July 1, 2018.

