

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 922

1 AN ACT TO CREATE NEW SECTION 97-3-8, MISSISSIPPI CODE OF
2 1972, TO CREATE THE CRIME OF INDECENT ASSAULT; AND FOR RELATED
3 PURPOSES.

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

5 **SECTION 1.** The following shall be codified as Section
6 97-3-8, Mississippi Code of 1972:

7 97-3-8. (1) Any person who, for the purpose of arousing or
8 gratifying that person's own sexual desire, knowingly,
9 intentionally and without consent of the other person, touches
10 another person on the breast, buttock, inner thigh, groin, genital
11 area or anal area with his or her hands or any other part of his
12 or her body, whether beneath or outside the other person's
13 clothing, is guilty of indecent assault.

14 (2) (a) A conviction for a violation of this section that
15 does not constitute a felony under paragraph (b) of this
16 subsection is a misdemeanor punishable by imprisonment in the
17 county jail for not more than six (6) months or a fine of not more
18 than Five Hundred Dollars (\$500.00), or both.



19 (b) **Indecent assault; third or subsequent.** A person is
20 guilty of the felony of indecent assault who commits indecent
21 assault as defined in this section and who, at the time of the
22 commission of the offense in question, has two (2) prior
23 convictions within seven (7) years, whether against the same or
24 another victim, for indecent assault under Mississippi law or
25 substantially similar offenses under the law of another state, of
26 the United States, or of a federally recognized Native American
27 tribe. Upon conviction, the person shall be sentenced to a term
28 of imprisonment in the custody of the Department of Corrections
29 for a period not to exceed five (5) years and fined not more than
30 Five Thousand Dollars (\$5,000.00).

31 (3) Nothing in this section shall be construed to prevent
32 prosecution of any person under Section 97-5-23 or 97-3-7.

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

