

By: Representative Newman

To: Judiciary B

HOUSE BILL NO. 367

1 AN ACT TO AMEND SECTION 97-29-51, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE PENALTIES FOR PROCURING THE SERVICES OF A
3 PROSTITUTE; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-29-51, Mississippi Code of 1972, is
6 amended as follows:

7 97-29-51. (1) (a) A person commits the * * * felony of
8 procuring the services of a prostitute if the person knowingly or
9 intentionally pays, or offers or agrees to pay, money or other
10 property to another person for having engaged in, or on the
11 understanding that the other person will engage in, sexual
12 intercourse or sexual conduct with the person or with any other
13 person. "Sexual conduct" includes cunnilingus, fellatio,
14 masturbation of another, anal intercourse or the causing of
15 penetration to any extent and with any object or body part of the
16 genital or anal opening of another.

17 (b) Upon conviction under this subsection, * * * a
18 person shall be punished by imprisonment for not less than one (1)



19 year, nor more than three (3) years, or by a fine of not less than
20 Five Thousand Dollars (\$5,000.00) nor more than Ten Thousand
21 Dollars (\$10,000.00), or both. A second or subsequent violation
22 of this section shall be a felony, punishable * * * by
23 imprisonment for not less than two (2) years, nor more than five
24 (5) years, or by a fine of not less than Ten Thousand Dollars
25 (\$10,000.00) nor more than Fifteen Thousand Dollars (\$15,000.00),
26 or both.

27 (c) However, in all cases, if the person whose services
28 are procured in violation of this subsection (1) is a minor under
29 eighteen (18) years of age, the person convicted shall be guilty
30 of a felony and shall, upon conviction, be punished by
31 imprisonment for not less than five (5) years, nor more than
32 thirty (30) years, or by a fine of not less than Fifty Thousand
33 Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars
34 (\$500,000.00), or both.

35 (d) Consent of a minor is not a defense to prosecution
36 under this subsection (1).

37 (2) (a) A person commits the felony of promoting
38 prostitution if the person:

39 (i) Knowingly or intentionally entices, compels,
40 causes, induces, persuades, or encourages by promise, threat,
41 violence, or by scheme or device, another person to become a
42 prostitute;



43 (ii) Knowingly or intentionally solicits or offers
44 or agrees to solicit, or receives or gives, or agrees to receive
45 or give any money or thing of value for soliciting, or attempting
46 to solicit, another person for the purpose of prostitution;

47 (iii) Knowingly induces, persuades, or encourages
48 a person to come into or leave this state for the purpose of
49 prostitution;

50 (iv) Having control over the use of a place or
51 vehicle, knowingly or intentionally permits another person to use
52 the place or vehicle for prostitution;

53 (v) Accepts, receives, levies or appropriates
54 money or other property of value from a prostitute, without lawful
55 consideration, with knowledge or reasonable cause to know it was
56 earned, in whole or in part, from prostitution; or

57 (vi) Conducts, directs, takes, or transports, or
58 offers or agrees to take or transport, or aids or assists in
59 transporting, any person to any vehicle, conveyance, place,
60 structure, or building, or to any other person with knowledge or
61 reasonable cause to know that the purpose of such directing,
62 taking or transporting is prostitution.

63 (b) Upon conviction, a person shall be punished by a
64 fine not exceeding * * * Ten Thousand Dollars (\$10,000.00) or by
65 imprisonment in the custody of the Department of Corrections for
66 not less than five (5) years, nor more than * * * fifteen (15)
67 years, or both. A second or subsequent violation shall be



68 punished by a fine not exceeding Twenty Thousand Dollars
69 (\$20,000.00) or by imprisonment in the custody of the Department
70 of Corrections for * * * not less than fifteen (15) years, nor
71 more than twenty (20) years, or both.

72 (c) However, in all cases, if the person whose services
73 are promoted in violation of this subsection (2) is a minor under
74 eighteen (18) years of age, the person convicted shall be guilty
75 of a felony and shall, upon conviction, be punished by
76 imprisonment for not less than * * * fifteen (15) years, nor more
77 than thirty (30) years, or by a fine of not less than Fifty
78 Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand
79 Dollars (\$500,000.00), or both. There is no requirement that the
80 defendant have actual knowledge of the age of the person and
81 consent of a minor is not a defense to prosecution under this
82 section.

83 (3) If it is determined that a person suspected of or
84 charged with promoting prostitution is a trafficked person, as
85 defined by Section 97-3-54.4, that fact shall be considered a
86 mitigating factor in any prosecution of that person for
87 prostitution, and the person shall be referred to appropriate
88 resources for assistance. If it is determined that a person
89 suspected of or charged with promoting prostitution is a minor
90 under eighteen (18) years of age who meets the definition of a
91 trafficked person as defined in Section 97-3-54.4, the minor is
92 immune from prosecution for promoting prostitution as a juvenile



93 or adult and provisions of Section 97-3-54.1(4) shall be
94 applicable.

95 (4) Any partnership, association, corporation or other
96 entity violating any provision of subsection (2) against the
97 promotion of prostitution shall, upon conviction, be punished by a
98 fine not * * * less than One Hundred Thousand Dollars
99 (\$100,000.00). If the person whose services are promoted is under
100 eighteen (18) years of age, the partnership, association,
101 corporation or other legal entity convicted shall be punished by a
102 fine not * * * less than One Million Dollars (\$1,000,000.00), and
103 all business and operating licenses of the partnership,
104 association, corporation or other legal entity shall be revoked by
105 the state Attorney General and all assets forfeited to the state.
106 There is no requirement that the defendant have knowledge of the
107 age of the person. Consent of a minor is not a defense to
108 prosecution under this section.

109 (5) Investigation and prosecution of a person, partnership,
110 association, corporation or other entity under this section shall
111 not preclude investigation or prosecution against that person,
112 partnership, association, corporation or other entity for a
113 violation of other applicable criminal laws, including, but not
114 limited to, the Mississippi Human Trafficking Act, Section 97-3-54
115 et seq.

116 **SECTION 2.** This act shall take effect and be in force from
117 and after July 1, 2022.

