

By: Senator(s) Fillingane, England,
Blackwell, Sparks, Moran, Seymour, Whaley,
Chism, McCaughn, Branning, McLendon, Parker,
Caughman, Hill, Tate, Barrett, Younger,
McMahan

To: Judiciary, Division B

SENATE BILL NO. 2237
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 97-5-35, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT SUSPENSION OF THE SENTENCE OF AN OFFENDER IN A CASE
3 INVOLVING THE EXPLOITATION OF CHILDREN; TO BRING FORWARD SECTION
4 97-5-31, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
5 AMENDMENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 97-5-35, Mississippi Code of 1972, is
8 amended as follows:

9 97-5-35. Any person who violates any provision of Section
10 97-5-33 shall be guilty of a felony and upon conviction shall be
11 fined not less than Fifty Thousand Dollars (\$50,000.00) nor more
12 than Five Hundred Thousand Dollars (\$500,000.00) and shall be
13 imprisoned for not less than five (5) years nor more than forty
14 (40) years. Any person convicted of a second or subsequent
15 violation of Section 97-5-33 shall be fined not less than One
16 Hundred Thousand Dollars (\$100,000.00) nor more than One Million
17 Dollars (\$1,000,000.00) and shall be confined in the custody of
18 the Department of Corrections for life or such lesser term as the
19 court may determine, but not less than twenty (20) years. The



20 five-year mandatory sentence shall not be reduced or suspended.
21 The person shall not be eligible for probation or parole
22 notwithstanding any provision of law to the contrary.

23 **SECTION 2.** Section 97-5-31, Mississippi Code of 1972, is
24 brought forward as follows:

25 97-5-31. As used in Sections 97-5-33 through 97-5-37, the
26 following words and phrases shall have the meanings given to them
27 in this section:

28 (a) "Child" means any individual who has not attained
29 the age of eighteen (18) years.

30 (b) "Sexually explicit conduct" means actual or
31 simulated:

32 (i) Oral genital contact, oral anal contact, or
33 sexual intercourse as defined in Section 97-3-65, whether between
34 persons of the same or opposite sex;

35 (ii) Bestiality;

36 (iii) Masturbation;

37 (iv) Sadistic or masochistic abuse;

38 (v) Lascivious exhibition of the genitals or pubic
39 area of any person; or

40 (vi) Fondling or other erotic touching of the
41 genitals, pubic area, buttocks, anus or breast.

42 (c) "Producing" means producing, directing,
43 manufacturing, issuing, publishing or advertising.



44 (d) "Visual depiction" includes, without limitation,
45 developed or undeveloped film and video tape or other visual
46 unaltered reproductions by computer.

47 (e) "Computer" has the meaning given in Title 18,
48 United States Code, Section 1030.

49 (f) "Simulated" means any depicting of the genitals or
50 rectal areas that gives the appearance of sexual conduct or
51 incipient sexual conduct.

52 **SECTION 3.** This act shall take effect and be in force from
53 and after July 1, 2022, and shall stand repealed on June 30, 2022.

