

By: Representative Newman

To: Judiciary B

HOUSE BILL NO. 25

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 person  
18 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, engage in conduct in violation of Section 97-29-49,



43 regardless of whether the other person can be or is arrested for,  
44 charged with or convicted of the offense of prostitution;

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

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

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

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

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

65 (b) Upon conviction, a person shall be punished by a  
66 fine not exceeding \* \* \* Ten Thousand Dollars (\$10,000.00) or by  
67 imprisonment in the custody of the Department of Corrections for



68 not less than five (5) years, nor more than \* \* \* fifteen (15)  
69 years, or both. A second or subsequent violation shall be  
70 punished by a fine not exceeding Twenty Thousand Dollars  
71 (\$20,000.00) or by imprisonment in the custody of the Department  
72 of Corrections for up to twenty (20) years, or both.

73 (c) However, in all cases, if the person whose services  
74 are promoted in violation of this subsection (2) is a minor under  
75 eighteen (18) years of age, the person convicted shall be guilty  
76 of a felony and shall, upon conviction, be punished by  
77 imprisonment for not less than five (5) years, nor more than  
78 thirty (30) years, or by a fine of not less than Fifty Thousand  
79 Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars  
80 (\$500,000.00), or both. There is no requirement that the  
81 defendant have actual knowledge of the age of the person, and  
82 consent of a minor is not a defense to prosecution under this  
83 section.

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



93 immune from prosecution for promoting prostitution as a juvenile  
94 or adult and provisions of Section 97-3-54.1(4) shall be  
95 applicable.

96 (4) Any partnership, association, corporation or other  
97 entity violating any provision of subsection (2) against the  
98 promotion of prostitution shall, upon conviction, be punished by a  
99 fine not exceeding Fifty Thousand Dollars (\$50,000.00). If the  
100 person whose services are promoted is under eighteen (18) years of  
101 age, the partnership, association, corporation or other legal  
102 entity convicted shall be punished by a fine not exceeding One  
103 Million Dollars (\$1,000,000.00). There is no requirement that the  
104 defendant have knowledge of the age of the person. Consent of a  
105 minor is not a defense to prosecution under this section.

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

113 **SECTION 2.** This act shall take effect and be in force from  
114 and after July 1, 2023.

