

By: Representatives Karriem, Sanders

To: Judiciary B

HOUSE BILL NO. 827

1 AN ACT TO AMEND SECTION 97-3-65, MISSISSIPPI CODE OF 1972, TO
2 CREATE AN EXCEPTION FOR STATUTORY RAPE WHEN BOTH PERSONS ARE
3 DATING PARTNERS AND BOTH ENROLLED IN SECONDARY SCHOOL; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 97-3-65, Mississippi Code of 1972, is
7 amended as follows:

8 97-3-65. (1) The crime of statutory rape is committed when:

9 (a) Any person seventeen (17) years of age or older has
10 sexual intercourse with a child who:

11 (i) Is at least fourteen (14) but under sixteen
12 (16) years of age;

13 (ii) Is thirty-six (36) or more months younger
14 than the person; and

15 (iii) Is not the person's spouse; or

16 (iv) Is not the person's dating partner when both
17 persons are enrolled in secondary school.

18 (b) A person of any age has sexual intercourse with a
19 child who:



20 (i) Is under the age of fourteen (14) years;

21 (ii) Is twenty-four (24) or more months younger
22 than the person; and

23 (iii) Is not the person's spouse.

24 (2) Neither the victim's consent nor the victim's lack of
25 chastity is a defense to a charge of statutory rape.

26 (3) Upon conviction for statutory rape, the defendant shall
27 be sentenced as follows:

28 (a) If eighteen (18) years of age or older, but under
29 twenty-one (21) years of age, and convicted under subsection
30 (1)(a) of this section, to imprisonment for not more than five (5)
31 years in the State Penitentiary or a fine of not more than Five
32 Thousand Dollars (\$5,000.00), or both;

33 (b) If twenty-one (21) years of age or older and
34 convicted under subsection (1)(a) of this section, to imprisonment
35 of not more than thirty (30) years in the State Penitentiary or a
36 fine of not more than Ten Thousand Dollars (\$10,000.00), or both,
37 for the first offense, and not more than forty (40) years in the
38 State Penitentiary for each subsequent offense;

39 (c) If eighteen (18) years of age or older and
40 convicted under subsection (1)(b) of this section, to imprisonment
41 for life in the State Penitentiary or such lesser term of
42 imprisonment as the court may determine, but not less than twenty
43 (20) years;



44 (d) If thirteen (13) years of age or older but under
45 eighteen (18) years of age and convicted under subsection (1)(a)
46 or (1)(b) of this section, such imprisonment, fine or other
47 sentence as the court, in its discretion, may determine.

48 (4) (a) Every person who shall have forcible sexual
49 intercourse with any person, or who shall have sexual intercourse
50 not constituting forcible sexual intercourse or statutory rape
51 with any person without that person's consent by administering to
52 such person any substance or liquid which shall produce such
53 stupor or such imbecility of mind or weakness of body as to
54 prevent effectual resistance, upon conviction, shall be imprisoned
55 for life in the State Penitentiary if the jury by its verdict so
56 prescribes; and in cases where the jury fails to fix the penalty
57 at life imprisonment, the court shall fix the penalty at
58 imprisonment in the State Penitentiary for any term as the court,
59 in its discretion, may determine.

60 (b) This subsection (4) shall apply whether or not the
61 perpetrator is: (i) married to the victim or * * * (ii) dating
62 the victim when both persons are enrolled in secondary school.

63 (5) In all cases where a victim is under the age of sixteen
64 (16) years, it shall not be necessary to prove penetration where
65 it is shown the genitals, anus or perineum of the child have been
66 lacerated or torn in the attempt to have sexual intercourse with
67 the child.



68 (6) (a) Upon conviction under this section, the court may
69 issue a criminal sexual assault protection order prohibiting the
70 offender from any contact with the victim, without regard to the
71 relationship between the victim and offender. The court may
72 include in a criminal sexual assault protection order any relief
73 available under Section 93-21-15. The term of a criminal sexual
74 assault protection order shall be for a time period determined by
75 the court, but all orders shall, at a minimum, remain in effect
76 for a period of two (2) years after the expiration of any sentence
77 of imprisonment and subsequent period of community supervision,
78 conditional release, probation, or parole. Upon issuance of a
79 criminal sexual assault protection order, the clerk of the issuing
80 court shall enter the order in the Mississippi Protection Order
81 Registry within twenty-four (24) hours of issuance, with no
82 exceptions for weekends or holidays as provided in Section
83 93-21-25, and a copy must be provided to both the victim and
84 offender.

85 (b) Criminal sexual assault protection orders shall be
86 issued on the standardized form developed by the Office of the
87 Attorney General.

88 (c) It is a misdemeanor to knowingly violate any
89 condition of a criminal sexual assault protection order. Upon
90 conviction for a violation, the defendant shall be punished by a
91 fine of not more than Five Hundred Dollars (\$500.00) or by
92 imprisonment in the county jail for not more than six (6) months,



93 or both. Any sentence imposed for the violation of a criminal
94 sexual assault protection order shall run consecutively to any
95 other sentences imposed on the offender. The court shall also be
96 empowered to extend the criminal sexual assault protection order
97 for a period of one (1) year for each violation. The
98 incarceration of a person at the time of the violation is not a
99 bar to prosecution under this section. Nothing in this subsection
100 shall be construed to prohibit the imposition of any other
101 penalties or disciplinary action otherwise allowed by law or
102 policy.

103 (7) For the purposes of this section, "sexual intercourse"
104 shall mean a joining of the sexual organs of a male and female
105 human being in which the penis of the male is inserted into the
106 vagina of the female or the penetration of the sexual organs of a
107 male or female human being in which the penis or an object is
108 inserted into the genitals, anus or perineum of a male or female.

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

