

By: Senator(s) Hill

To: Judiciary, Division B

SENATE BILL NO. 2141

1 AN ACT TO AMEND SECTION 97-29-107, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE EXEMPTION FOR ANY PUBLIC SCHOOL LIBRARY IN THIS
3 STATE FROM THE CRIME OF DISTRIBUTING OBSCENE MATERIALS; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 97-29-107, Mississippi Code of 1972, is
7 amended as follows:

8 97-29-107. (1) Sections 97-29-101 through 97-29-109 shall
9 not apply when the distribution or wholesale distribution of the
10 material, performance or device was made by:

11 (a) A person, corporation, company, partnership, firm,
12 association, business, establishment or other legal entity to a
13 person associated with an institution of higher learning, either
14 as a member of the faculty or as a matriculated student, teaching
15 or pursuing a course of study related to such material,
16 performance or device;

17 (b) A licensed physician or a licensed psychologist to
18 a person whose receipt of such material or device was authorized



19 in writing by such physician or psychologist in the course of
20 medical or psychological treatment or care;

21 (c) A person who while acting in his capacity as an
22 employee is employed on a full-time or part-time basis by (i) any
23 recognized historical society or museum accorded charitable status
24 by the federal government; (ii) any state, county or municipal
25 public library; or (iii) any library of any * * * private school,
26 college or university in this state; or

27 (d) A community television antenna services system or a
28 cable television system operating pursuant to a written agreement
29 not in conflict with this paragraph granted by a county,
30 municipality or other political subdivision of this state, or by
31 an employee of such system while acting within the scope of his
32 employment, when the signal transmitting the material or
33 performance originates outside of the State of Mississippi.

34 (2) Any exemption from prosecution claimed under the
35 provisions of this section may be raised at a pretrial hearing by
36 motion, and the court shall determine whether sufficient evidence
37 exists to constitute an exemption from prosecution under the
38 provisions of Sections 97-29-101 through 97-29-109. If the motion
39 is sustained, the case shall be dismissed; provided, however, if
40 the motion is not sustained then the defendant may offer into
41 evidence at trial as an affirmative defense to conviction under
42 Sections 97-29-101 through 97-29-109 any matter which could have
43 been raised by the defendant in the motion to dismiss.



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

