

By: Representatives Ford (73rd), Hulum

To: Judiciary B

HOUSE BILL NO. 657

1 AN ACT TO PROVIDE FOR CRIMES RELATED TO POSSESSION AND  
 2 TRAFFICKING OF CHILD SEX DOLLS; TO PROHIBIT THE ONLINE SALES AND  
 3 ADVERTISEMENT OF; TO CREATE PENALTIES FOR THE CRIME; TO BRING  
 4 FORWARD SECTION 97-5-27, MISSISSIPPI CODE OF 1972, WHICH PROVIDES  
 5 FOR DISSEMINATION OF SEXUALLY ORIENTED MATERIAL TO PERSONS UNDER  
 6 THE AGE OF EIGHTEEN YEARS OF AGE; TO BRING FORWARD SECTION  
 7 97-5-31, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE CRIME OF  
 8 EXPLOITATION OF CHILDREN, FOR PURPOSES OF AMENDMENT; TO BRING  
 9 FORWARD SECTION 97-5-33, MISSISSIPPI CODE OF 1972, WHICH LISTS THE  
 10 PROHIBITIONS AGAINST THE EXPLOITATION OF CHILDREN, FOR PURPOSES OF  
 11 AMENDMENT; TO BRING FORWARD SECTION 97-5-35, MISSISSIPPI CODE OF  
 12 1972, WHICH PROVIDES PENALTIES FOR THE CRIME OF EXPLOITATION OF  
 13 CHILDREN, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** (1) For purposes of this act, the term "child  
 16 sex doll" means an anatomically correct doll, mannequin or robot  
 17 that has the features of, or features that resemble an infant or a  
 18 child who is under twelve (12) years of age, and is intended to be  
 19 used for sexual stimulation, gratification or perversion.

20 (2) (a) Any person who intentionally or knowingly possesses  
 21 a child sex doll shall be guilty of the misdemeanor crime of  
 22 possession of a child sex doll and upon conviction, shall be  
 23 punished for each offense by a fine of not less than Five Hundred



24 Dollars (\$500.00), but not to exceed Five Thousand Dollars  
25 (\$5,000.00), or imprisonment in the county jail for not more than  
26 one (1) year, or both.

27 (b) In a prosecution for a violation of this  
28 subsection, unless satisfactorily explained, the possession of two  
29 (2) or more child sex dolls may give rise to an inference that a  
30 person intends to commit trafficking a child sex doll.

31 (3) Any person who knowingly manufactures, distributes,  
32 sells online or in person, transfers, offers to sell, advertises  
33 online or in person, provide, ship, deliver for shipment, offer to  
34 deliver for shipment or possess a child sex doll in any manner  
35 with the intent to manufacture, distribute, sell, ship or transfer  
36 a child sex doll shall be guilty of the felony crime of child sex  
37 doll trafficking, and upon conviction shall be punished for each  
38 offense by a fine not less than Five Thousand Dollars (\$5,000.00),  
39 or imprisonment in the custody of the Department of Corrections  
40 for a term not to exceed three (3) years, or both.

41 (4) Any person who knowingly transports a child sex doll  
42 into this state with the intent to distribute, sell or transfer  
43 the child sex doll shall be guilty of the felony crime of  
44 importing a child sex doll and upon conviction shall be punished  
45 for each offense by a fine not less than Five Thousand Dollars  
46 (\$5,000.00), or imprisonment in the custody of the Department of  
47 Corrections for a term not to exceed three (3) years, or both.



48 (5) The provisions of this section shall not apply to a  
49 common carrier transporting a container with a child sex doll if  
50 the common carrier does not have knowledge of the container's  
51 contents.

52 **SECTION 2.** Section 97-5-27, Mississippi Code of 1972, is  
53 brought forward as follows:

54 97-5-27. (1) Any person who intentionally and knowingly  
55 disseminates sexually oriented material to any person under  
56 eighteen (18) years of age shall be guilty of a misdemeanor and,  
57 upon conviction, shall be fined for each offense not less than  
58 Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars  
59 (\$5,000.00) or be imprisoned for not more than one (1) year in the  
60 county jail, or be punished by both such fine and imprisonment. A  
61 person disseminates sexually oriented material within the meaning  
62 of this section if he:

63 (a) Sells, delivers or provides, or offers or agrees to  
64 sell, deliver or provide, any sexually oriented writing, picture,  
65 record or other representation or embodiment that is sexually  
66 oriented; or

67 (b) Presents or directs a sexually oriented play, dance  
68 or other performance or participates directly in that portion  
69 thereof which makes it sexually oriented; or

70 (c) Exhibits, presents, rents, sells, delivers or  
71 provides, or offers or agrees to exhibit, present, rent or to  
72 provide any sexually oriented still or motion picture, film,



73 filmstrip or projection slide, or sound recording, sound tape or  
74 sound track or any matter or material of whatever form which is a  
75 representation, embodiment, performance or publication that is  
76 sexually oriented.

77 (2) For purposes of this section, any material is sexually  
78 oriented if the material contains representations or descriptions,  
79 actual or simulated, of masturbation, sodomy, excretory functions,  
80 lewd exhibition of the genitals or female breasts, sadomasochistic  
81 abuse (for the purpose of sexual stimulation or gratification),  
82 homosexuality, lesbianism, bestiality, sexual intercourse, or  
83 physical contact with a person's clothed or unclothed genitals,  
84 pubic area, buttocks, or the breast or breasts of a female for the  
85 purpose of sexual stimulation, gratification or perversion.

86 (3) (a) A person is guilty of computer luring when:

87 (i) Knowing the character and content of any  
88 communication of sexually oriented material, he intentionally uses  
89 any computer communication system allowing the input, output,  
90 examination or transfer of computer data or computer programs from  
91 one (1) computer to another, to initiate or engage in such

92 communication with a person under the age of eighteen (18); and

93 (ii) By means of such communication he importunes,  
94 invites or induces a person under the age of eighteen (18) years  
95 to engage in sexual intercourse, deviant sexual intercourse or  
96 sexual contact with him, or to engage in a sexual performance,  
97 obscene sexual performance or sexual conduct for his benefit.



98                   (b) A person who engages in the conduct proscribed by  
99 this subsection (3) is presumed to do so with knowledge of the  
100 character and content of the material.

101                   (c) In any prosecution for computer luring, it shall be  
102 a defense that:

103                           (i) The defendant made a reasonable effort to  
104 ascertain the true age of the minor and was unable to do so as a  
105 result of actions taken by the minor; or

106                           (ii) The defendant has taken, in good faith,  
107 reasonable, effective and appropriate actions under the  
108 circumstances to restrict or prevent access by minors to the  
109 materials prohibited, which may involve any appropriate measures  
110 to restrict minors from access to such communications, including  
111 any method which is feasible under available technology; or

112                           (iii) The defendant has restricted access to such  
113 materials by requiring use of a verified credit card, debit  
114 account, adult access code or adult personal identification  
115 number; or

116                           (iv) The defendant has in good faith established a  
117 mechanism such that the labeling, segregation or other mechanism  
118 enables such material to be automatically blocked or screened by  
119 software or other capabilities reasonably available to responsible  
120 adults wishing to effect such blocking or screening and the  
121 defendant has not otherwise solicited minors not subject to such



122 screening or blocking capabilities to access that material or to  
123 circumvent any such screening or blocking.

124 (d) In any prosecution for computer luring:

125 (i) No person shall be held to have violated this  
126 subsection (3) solely for providing access or connection to or  
127 from a facility, system, or network not under that person's  
128 control, including transmission, downloading, intermediate  
129 storage, access software or other related capabilities that are  
130 incidental to providing such access or connection that do not  
131 include the creation of the content of the communication.

132 (ii) No employer shall be held liable for the  
133 actions of an employee or agent unless the employee's or agent's  
134 conduct is within the scope of his employment or agency or the  
135 employer, having knowledge of such conduct, authorizes or ratifies  
136 such conduct, or recklessly disregards such conduct.

137 (iii) The limitations provided by this paragraph  
138 (d) shall not be applicable to a person who is a conspirator with  
139 an entity actively involved in the creation or knowing  
140 distribution of communications that violate such provisions, or  
141 who knowingly advertises the availability of such communications,  
142 nor to a person who provides access or connection to a facility,  
143 system or network engaged in the violation of such provisions that  
144 is owned or controlled by such person.

145 (e) Computer luring is a felony, and any person  
146 convicted thereof shall be punished by commitment to the custody



147 of the Department of Corrections for a term not to exceed three  
148 (3) years and by a fine not to exceed Ten Thousand Dollars  
149 (\$10,000.00).

150 (4) Investigation and prosecution of a defendant under this  
151 section does not preclude prosecution of the defendant for a  
152 violation of other applicable criminal laws, including, but not  
153 limited to, the Mississippi Human Trafficking Act, Section 97-3-54  
154 et seq.

155 **SECTION 3.** Section 97-5-31, Mississippi Code of 1972, is  
156 brought forward as follows:

157 97-5-31. As used in Sections 97-5-33 through 97-5-37, the  
158 following words and phrases shall have the meanings given to them  
159 in this section:

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

162 (b) "Sexually explicit conduct" means actual or  
163 simulated:

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

167 (ii) Bestiality;

168 (iii) Masturbation;

169 (iv) Sadistic or masochistic abuse;

170 (v) Lascivious exhibition of the genitals or pubic  
171 area of any person; or



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

174 (c) "Producing" means producing, directing,  
175 manufacturing, issuing, publishing or advertising.

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

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

181 (f) "Simulated" means any depicting of the genitals or  
182 rectal areas that gives the appearance of sexual conduct or  
183 incipient sexual conduct.

184 **SECTION 4.** Section 97-5-33, Mississippi Code of 1972, is  
185 brought forward as follows:

186 97-5-33. (1) No person shall, by any means including  
187 computer, cause, solicit or knowingly permit any child to engage  
188 in sexually explicit conduct or in the simulation of sexually  
189 explicit conduct for the purpose of producing any visual depiction  
190 of such conduct.

191 (2) No person shall, by any means including computer,  
192 photograph, film, video tape or otherwise depict or record a child  
193 engaging in sexually explicit conduct or in the simulation of  
194 sexually explicit conduct.

195 (3) No person shall, by any means including computer,  
196 knowingly send, transport, transmit, ship, mail or receive any





197 photograph, drawing, sketch, film, video tape or other visual  
198 depiction of an actual child engaging in sexually explicit  
199 conduct.

200 (4) No person shall, by any means including computer,  
201 receive with intent to distribute, distribute for sale, sell or  
202 attempt to sell in any manner any photograph, drawing, sketch,  
203 film, video tape or other visual depiction of an actual child  
204 engaging in sexually explicit conduct.

205 (5) No person shall, by any means including computer,  
206 knowingly possess or knowingly access with intent to view any  
207 photograph, drawing, sketch, film, video tape or other visual  
208 depiction of an actual child engaging in sexually explicit  
209 conduct.

210 (6) No person shall, by any means, including computer,  
211 knowingly entice, induce, persuade, seduce, solicit, advise,  
212 coerce, or order a child to meet with the defendant or any other  
213 person for the purpose of engaging in sexually explicit conduct.

214 (7) No person shall by any means, including computer,  
215 knowingly entice, induce, persuade, seduce, solicit, advise,  
216 coerce or order a child to produce any visual depiction of adult  
217 sexual conduct or any sexually explicit conduct.

218 (8) The fact that an undercover operative or law enforcement  
219 officer posed as a child or was involved in any other manner in  
220 the detection and investigation of an offense under this section



221 shall not constitute a defense to a prosecution under this  
222 section.

223 (9) For purposes of determining jurisdiction, the offense is  
224 committed in this state if all or part of the conduct described in  
225 this section occurs in the State of Mississippi or if the  
226 transmission that constitutes the offense either originates in  
227 this state or is received in this state.

228 **SECTION 5.** Section 97-5-35, Mississippi Code of 1972, is  
229 brought forward as follows:

230 97-5-35. Any person who violates any provision of Section  
231 97-5-33 shall be guilty of a felony and upon conviction shall be  
232 fined not less than Fifty Thousand Dollars (\$50,000.00) nor more  
233 than Five Hundred Thousand Dollars (\$500,000.00) and shall be  
234 imprisoned for not less than five (5) years nor more than forty  
235 (40) years. Any person convicted of a second or subsequent  
236 violation of Section 97-5-33 shall be fined not less than One  
237 Hundred Thousand Dollars (\$100,000.00) nor more than One Million  
238 Dollars (\$1,000,000.00) and shall be confined in the custody of  
239 the Department of Corrections for life or such lesser term as the  
240 court may determine, but not less than twenty (20) years.

241 **SECTION 6.** This act shall take effect and be in force from  
242 and after July 1, 2024.

