

By: Representatives Roberson, Boyd (37th),
Ford (73rd), McLean

To: Judiciary B

HOUSE BILL NO. 1196

1 AN ACT TO CREATE "WALKER'S LAW" WHICH CREATES THE OFFENSE OF
2 SEXUAL EXTORTION AND AGGRAVATED SEXUAL EXTORTION; TO DEFINE
3 NECESSARY TERMS; TO PROVIDE PENALTIES FOR VIOLATIONS; TO BRING
4 FORWARD SECTION 97-3-82, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
5 FOR THE CRIME OF EXTORTION, FOR PURPOSES OF AMENDMENT; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** This act may be known and cited as "Walker's
9 Law."

10 **SECTION 2.** The following words and phrases shall have the
11 meanings described in this section, unless the context clearly
12 indicates otherwise:

13 (a) "Adult" means a person eighteen (18) years or
14 older.

15 (b) "Minor" means any person under eighteen (18) years
16 of age at the time of the alleged offense.

17 (c) "Great bodily injury" means bodily injury which
18 causes a substantial risk of death or which causes serious,
19 permanent disfigurement or protracted loss or impairment of the
20 function of a bodily member or organ.



21 (d) "Private image" means an image depicting sexually
22 explicit nudity, sexual activity, sexual conduct as defined in
23 Section 97-29-64, sexually explicit conduct as defined in Section
24 97-5-31, or sexual intercourse as defined in Section 97-3-65.

25 (e) "Image" means a photograph, film, videotape,
26 recording, live transmission, digital or computer-generated visual
27 depiction, or any other reproduction made by electronic,
28 mechanical, or other means.

29 (f) "Electronic mail" means the transmission of
30 information or communication by the use of the Internet, a
31 computer, a facsimile machine, a pager, a cellular telephone, a
32 video recorder or other electronic means sent to a person
33 identified by a unique address or address number and received by
34 that person.

35 (g) "Electronic communication" means any transfer of
36 signs, signals, writings, images, sounds, data, or intelligence of
37 any nature, transmitted in whole or in part by a wire, radio,
38 computer, electromagnetic, photoelectric or photo-optical system.

39 (h) "Disclose" means exhibit, transfer, publicize,
40 distribute, or reproduce.

41 (i) "Vulnerable person" has the same meaning as in
42 Section 43-47-5.

43 **SECTION 3.** A person commits the offense of sexual extortion
44 if the person intentionally, including the use of electronic mail
45 or electronic communication, threatens to release, exhibit, or



46 distribute a private image of another in order to compel or
47 attempt to compel the victim to do any act or refrain from doing
48 any act against his or her will, with the intent to obtain an
49 additional private image or anything else of value. Except as
50 otherwise provided in this act for a minor, a person convicted of
51 sexual extortion shall be imprisoned:

52 (a) Not more than five (5) years for a first offense;

53 (b) Not more than ten (10) years for a second offense;

54 or

55 (c) Not more than twenty (20) years for a third or
56 subsequent offense.

57 **SECTION 4.** (1) A person commits the offense of aggravated
58 sexual extortion if the person intentionally, including the use of
59 electronic mail or electronic communication, threatens to release,
60 exhibit, or distribute a private image of another in order to
61 compel or attempt to compel the victim to do any act or refrain
62 from doing any act against his or her will, with the intent to
63 obtain an additional private image or anything else of value and
64 either:

65 (a) The victim is a minor or vulnerable person, and the
66 person convicted of sexual extortion is an adult; or

67 (b) The victim suffers great bodily injury or death,
68 and the appropriate court finds beyond a reasonable doubt that the
69 sexual extortion of the victim was the proximate cause of the
70 great bodily injury or death.



71 (2) A person, except as otherwise provided in this act for a
72 minor, convicted of aggravated sexual extortion shall be
73 imprisoned not more than twenty (20) years.

74 **SECTION 5.** If the person convicted under this act is a
75 minor, then the person shall be guilty of the misdemeanor offense
76 of sexual extortion and shall be sentenced by the youth court. No
77 minor shall be convicted of a felony offense of sexual extortion
78 under the provisions of this act. The court may order behavioral
79 health counseling from an appropriate agency or provider as a
80 condition of sentencing.

81 **SECTION 6.** For the purposes of venue under the provisions of
82 this section, any violation of this section may be prosecuted in
83 the county in which the communication originated, the county in
84 which the communication was made, the county in which the
85 communication was received, or the county in which any act in
86 execution or furtherance of the scheme occurred.

87 **SECTION 7.** Section 97-3-82, Mississippi Code of 1972, is
88 brought forward as follows:

89 97-3-82. (1) For the purposes of this section the following
90 words and phrases shall have the meanings ascribed herein, unless
91 the context clearly indicates otherwise:

92 (a) "Obtain" means: (i) in relation to property, to
93 bring about a transfer or purported transfer of a legal interest
94 in, or physical possession of, the property, whether to the
95 obtainer or another; or (ii) in relation to labor or service, or



96 any reward, favor, or advantage of any kind, to secure performance
97 thereof; or attempt to do (i) or (ii).

98 (b) "Property" means anything of value, including, but
99 not limited to, real estate, tangible and intangible personal
100 property, contract rights, choses-in-action, reputation of a
101 person and other interests in or claims to wealth, admission or
102 transportation tickets, captured or domestic animals, food and
103 drink, electric or other power.

104 (c) "Property of another" includes property in which
105 any person other than the actor has an interest which the actor is
106 not privileged to infringe, regardless of the fact that the actor
107 also has an interest in the property and regardless of the fact
108 that the other person might be precluded from civil recovery
109 because the property was used in an unlawful transaction or was
110 subject to forfeiture as contraband. Property in possession of
111 the actor shall not be deemed property of another who has only a
112 security interest therein, even if legal title is in the creditor
113 pursuant to a conditional sales contract or other security
114 agreement.

115 (d) "Public official" means any person elected or
116 appointed to any office, position or employment whereby the person
117 is paid a fee or salary by the State of Mississippi or any
118 political subdivision thereof or any agency or subdivision of the
119 government of the United States, regardless of the source or
120 sources of the funds for the payment.



121 (2) A person is guilty of extortion if he purposely obtains
122 or attempts to obtain property of another or any reward, favor, or
123 advantage of any kind by threatening to inflict bodily injury on
124 any person or by committing or threatening to commit any other
125 criminal offense, violation of civil statute, or the public or
126 private revelation of information not previously in the public
127 domain for the purpose of humiliating or embarrassing the other
128 person, without regard to whether the revelation otherwise
129 constitutes a violation of a specific statute.

130 (3) (a) Except as provided in paragraph (d) of this
131 subsection, any person, whether a public official or not, who
132 commits the offense of extortion of property or things of value of
133 another under the value of Five Hundred Dollars (\$500.00) shall be
134 guilty of a misdemeanor and, upon conviction thereof, shall be
135 punished by imprisonment in the county jail not to exceed six (6)
136 months.

137 (b) Except as provided in paragraph (d) of this
138 subsection, any person, whether a public official or not, who
139 commits the offense of extortion of property or things of value of
140 another of the value of Five Hundred Dollars (\$500.00) or more
141 shall be guilty of a felony and, upon conviction thereof, shall be
142 punished by commitment to the custody of the Department of
143 Corrections for a term not to exceed fifteen (15) years.

144 (c) Except as provided in paragraph (d) of this
145 subsection, any person, whether a public official or not, who



146 commits the offense of extortion in order to obtain any intangible
147 reward, favor or advantage to which no monetary value is normally
148 given shall be guilty of a felony and, upon conviction thereof,
149 shall be punished by commitment to the custody of the Department
150 of Corrections for a term not to exceed fifteen (15) years.

151 (d) Any public official acting in his official capacity
152 or under color of his office who commits the offense of extortion
153 in order to obtain any intangible reward, favor or advantage to
154 which no monetary value is normally given, or who commits the
155 offense of extortion of tangible property, regardless of the value
156 of the property, shall be guilty of a felony and, upon conviction
157 thereof, shall be punished by commitment to the custody of the
158 Department of Corrections for a term not less than two (2) nor
159 more than twenty (20) years.

160 **SECTION 8.** This act shall take effect and be in force on
161 July 1, 2024.

