

By: Representative McLean

To: Judiciary B

## HOUSE BILL NO. 1540

1 AN ACT TO AMEND SECTION 97-3-104, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT SEXUAL ACTS BETWEEN ANY LAW ENFORCEMENT AND  
3 INCARCERATED PERSONS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-3-104, Mississippi Code of 1972, is  
6 amended as follows:

7 97-3-104. (1) It is unlawful for any jailer, guard,  
8 employee of the Department of Corrections, sheriff, constable,  
9 marshal, other officer, or employee of a law enforcement agency or  
10 correctional facility to engage in any sexual penetration, as  
11 defined in Section 97-3-97, or other sexual act with any \* \* \*  
12 person, with the \* \* \* person's consent, who is:

13 (a) Incarcerated at any jail or any state, county or  
14 private correctional facility \* \* \*;

15 (b) Who is serving on probation, parole, earned-release  
16 supervision, post-release supervision, earned probation, intensive  
17 supervision or any other form of correctional supervision \* \* \*;

18 or



19                   (c) Detained, arrested or otherwise in custody.

20           (2) It is unlawful for any civilian with supervisory or  
21 custodial authority over \* \* \* a person to engage in any sexual  
22 penetration, as defined in Section 97-3-97, or other sexual act  
23 with the \* \* \* person, with the \* \* \* person's consent, who is:

24                   (a) Incarcerated at any jail or any state, county or  
25 private correctional facility \* \* \*;

26                   (b) Who is serving on probation, parole, earned-release  
27 supervision, post-release supervision, earned probation, intensive  
28 supervision or any other form of correctional supervision; or

29                   (c) Detained, arrested or otherwise in custody.

30           (3) Any person who violates this section is guilty of a  
31 felony and, upon conviction, shall be fined not more than Five  
32 Thousand Dollars (\$5,000.00) or imprisoned for a term not to  
33 exceed five (5) years, or both.

34           **SECTION 2.** This act shall take effect and be in force from  
35 and after July 1, 2024.

