

By: Senator(s) Hill

To: Judiciary, Division B

SENATE BILL NO. 2435

1 AN ACT TO AMEND SECTION 97-3-104, MISSISSIPPI CODE OF 1972,  
2 TO AMEND THE CRIME OF SEXUAL ACTIVITY BETWEEN CERTAIN INDIVIDUALS  
3 AND OFFENDERS INCARCERATED IN CORRECTIONAL FACILITIES OR ON  
4 CORRECTIONAL SUPERVISION; TO DELETE THE TERM "OFFENDER" AND  
5 INCLUDE THE TERM "PERSON"; TO CLARIFY THAT THE CRIME APPLIES TO  
6 PERSONS OTHERWISE IN CUSTODY; AND FOR RELATED PURPOSES.

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

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

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

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

18 (b) Serving on probation, parole, earned-release  
19 supervision, post-release supervision, earned probation, intensive



20 supervision or any other form of correctional supervision \* \* \*;  
21 or

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

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

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

29 (b) Serving on probation, parole, earned-release  
30 supervision, post-release supervision, earned probation, intensive  
31 supervision or any other form of correctional supervision; or

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

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

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

