

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for House Bill No. 1126

BY: Representative Owen

1 **AMEND** after line 226 by inserting the following and
2 renumbering the succeeding section:

3 " **SECTION 9.** Section 97-5-31, Mississippi Code of 1972, is
4 amended as follows:

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

8 (a) "Child" means any individual who has not attained
9 the age of eighteen (18) years and is an identifiable child.

10 (b) "Sexually explicit conduct" means actual, morphed
11 or simulated:



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

15 (ii) Bestiality;

16 (iii) Masturbation;

17 (iv) Sadistic or masochistic abuse;

18 (v) Lascivious exhibition of the genitals or pubic
19 area of any person; or

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

22 (c) "Producing" means producing, directing,
23 manufacturing, issuing, publishing, morphing or advertising.

24 (d) "Visual depiction" includes, without limitation,
25 developed or undeveloped film and video tape or other visual
26 unaltered, altered or morphed reproductions by computer and
27 technology.

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

30 (f) "Morphed image" means any visual depiction or
31 representation, including any photograph, film, video, picture, or
32 computer or computer-generated image or picture, whether made or
33 produced by electronic, mechanical, simulated or other means, of
34 sexually explicit conduct, where such visual depiction or
35 representation has been created, adapted, or modified to appear an
36 identifiable minor is engaging in sexual conduct or sexually



37 explicit activity to appearing in a state of sexually explicit
38 nudity.

39 (* * *g) "Simulated" means any depicting of the
40 genitals or rectal areas that gives the appearance of sexual
41 conduct or incipient sexual conduct.

42 (h) "Identifiable child" means a child who was a minor
43 at the time the image was created, adapted, or modified or whose
44 image as a child was used in the creating, adapting or modifying
45 of the image; and is recognizable as an actual child by the
46 child's face, likeness, or other distinguishing characteristic,
47 such as a unique birthmark or other recognizable feature. The
48 provisions of this paragraph (g) shall not be construed to require
49 proof of the actual identity of the identifiable child."

50 **AMEND the title to conform.**

