

By: Representative Karriem

To: Judiciary B

HOUSE BILL NO. 755

1 AN ACT TO AMEND SECTION 97-3-65, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE ELEMENTS OF STATUTORY RAPE WHEN BOTH ARE DATING AND
3 SECONDARY SCHOOL STUDENTS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-3-65, Mississippi Code of 1972, is
6 amended as follows:

7 97-3-65. (1) The crime of statutory rape is committed when:

8 (a) Any person seventeen (17) years of age or older has
9 sexual intercourse with a child who:

10 (i) Is at least fourteen (14) but under sixteen
11 (16) years of age; or

12 (ii) Is thirty-six (36) or more months younger
13 than the person; and

14 (iii) Is not the person's spouse; or

15 (iv) Is not in a consensual relationship with the
16 child while both persons are enrolled as students in secondary
17 school in the State of Mississippi.



18 (b) A person of any age has sexual intercourse with a
19 child who:

20 (i) Is under the age of fourteen (14) years; and

21 (ii) Is twenty-four (24) or more months younger
22 than the person.

23 (c) There shall be a rebuttable presumption that
24 statutory rape is not committed if it is proven by a preponderance
25 of the evidence that both persons were in a consensual
26 relationship with each other and both persons were enrolled as
27 secondary school students at the time of the alleged offense. For
28 purposes of this paragraph, the term "secondary school students"
29 means any person enrolled as a student in grades seven through
30 twelve in Mississippi.

31 (2) Neither the victim's consent nor the victim's lack of
32 chastity is a defense to a charge of statutory rape.

33 (3) Upon conviction for statutory rape, the defendant shall
34 be sentenced as follows:

35 (a) If eighteen (18) years of age or older, but under
36 twenty-one (21) years of age, and convicted under subsection
37 (1)(a) of this section, to imprisonment for not more than five (5)
38 years in the State Penitentiary or a fine of not more than Five
39 Thousand Dollars (\$5,000.00), or both;

40 (b) If twenty-one (21) years of age or older and
41 convicted under subsection (1)(a) of this section, to imprisonment
42 of not more than thirty (30) years in the State Penitentiary or a



fine of not more than Ten Thousand Dollars (\$10,000.00), or both,
for the first offense, and not more than forty (40) years in the
State Penitentiary for each subsequent offense;

(c) If eighteen (18) years of age or older and
convicted under subsection (1)(b) of this section, to imprisonment
for life in the State Penitentiary or such lesser term of
imprisonment as the court may determine, but not less than twenty
(20) years;

(d) If thirteen (13) years of age or older but under
eighteen (18) years of age and convicted under subsection (1)(a)
or (1)(b) of this section, such imprisonment, fine or other
sentence as the court, in its discretion, may determine.

(4) (a) Every person who shall have forcible sexual
intercourse with any person, or who shall have sexual intercourse
not constituting forcible sexual intercourse or statutory rape
with any person without that person's consent by administering to
such person any substance or liquid which shall produce such
stupor or such imbecility of mind or weakness of body as to
prevent effectual resistance, upon conviction, shall be imprisoned
for life in the State Penitentiary if the jury by its verdict so
prescribes; and in cases where the jury fails to fix the penalty
at life imprisonment, the court shall fix the penalty at
imprisonment in the State Penitentiary for any term as the court,
in its discretion, may determine.



(b) This subsection (4) shall apply whether the perpetrator is married to the victim or not.

(5) In all cases where a victim is under the age of sixteen (16) years, it shall not be necessary to prove penetration where it is shown the genitals, anus or perineum of the child have been lacerated or torn in the attempt to have sexual intercourse with the child.

(6) (a) Upon conviction under this section, the court may issue a criminal sexual assault protection order prohibiting the offender from any contact with the victim, without regard to the relationship between the victim and offender. The court may include in a criminal sexual assault protection order any relief available under Section 93-21-15. The term of a criminal sexual assault protection order shall be for a time period determined by the court, but all orders shall, at a minimum, remain in effect for a period of two (2) years after the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole. Upon issuance of a criminal sexual assault protection order, the clerk of the issuing court shall enter the order in the Mississippi Protection Order Registry within twenty-four (24) hours of issuance, with no exceptions for weekends or holidays as provided in Section 93-21-25, and a copy must be provided to both the victim and offender.



91 (b) Criminal sexual assault protection orders shall be
92 issued on the standardized form developed by the Office of the
93 Attorney General.

94 (c) It is a misdemeanor to knowingly violate any
95 condition of a criminal sexual assault protection order. Upon
96 conviction for a violation, the defendant shall be punished by a
97 fine of not more than Five Hundred Dollars (\$500.00) or by
98 imprisonment in the county jail for not more than six (6) months,
99 or both. Any sentence imposed for the violation of a criminal
100 sexual assault protection order shall run consecutively to any
101 other sentences imposed on the offender. The court shall also be
102 empowered to extend the criminal sexual assault protection order
103 for a period of one (1) year for each violation. The
104 incarceration of a person at the time of the violation is not a
105 bar to prosecution under this section. Nothing in this subsection
106 shall be construed to prohibit the imposition of any other
107 penalties or disciplinary action otherwise allowed by law or
108 policy.

109 (7) For the purposes of this section, "sexual intercourse"
110 shall mean a joining of the sexual organs of a male and female
111 human being in which the penis of the male is inserted into the
112 vagina of the female or the penetration of the sexual organs of a
113 male or female human being in which the penis or an object is
114 inserted into the genitals, anus or perineum of a male or female.



115 **SECTION 2.** This act shall take effect and be in force from
116 and after July 1, 2025.

