

By: Senator(s) Williamson, Tollison,  
Chamberlin

To: Judiciary

SENATE BILL NO. 2624

1 AN ACT TO AMEND SECTION 97-5-31, MISSISSIPPI CODE OF 1972, TO  
 2 DEFINE CERTAIN TERMS; TO AMEND SECTION 97-5-33, MISSISSIPPI CODE  
 3 OF 1972, TO INCLUDE THE USE OF COMPUTERS IN THE PROHIBITION OF  
 4 EXPLOITATION OF CHILDREN; TO AMEND SECTION 97-5-35, MISSISSIPPI  
 5 CODE OF 1972, TO REVISE PENALTIES; TO AMEND SECTION 97-45-1,  
 6 MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS RELATED TO  
 7 COMPUTER CRIMES; TO AMEND SECTION 97-45-3, MISSISSIPPI CODE OF  
 8 1972, TO REVISE COMPUTER FRAUD AND PENALTIES; TO CODIFY SECTION  
 9 97-45-15, MISSISSIPPI CODE OF 1972, TO CREATE THE OFFENSE OF  
 10 CYBERSTALKING AND PRESCRIBE PENALTIES FOR VIOLATIONS; TO CODIFY  
 11 SECTION 97-45-17, MISSISSIPPI CODE OF 1972, TO PROHIBIT POSTING  
 12 CERTAIN MESSAGES THROUGH ELECTRONIC MEDIUM AND PRESCRIBE PENALTIES  
 13 FOR VIOLATIONS; TO CODIFY SECTION 97-45-19, MISSISSIPPI CODE OF  
 14 1972, TO PROHIBIT OBTAINING PERSONAL IDENTITY INFORMATION AND  
 15 PRESCRIBE PENALTIES FOR VIOLATIONS; TO CODIFY SECTION 97-45-21,  
 16 MISSISSIPPI CODE OF 1972, TO CLARIFY WHERE CRIMINAL ACTION MAY BE  
 17 BROUGHT; TO CODIFY SECTION 97-45-23, MISSISSIPPI CODE OF 1972, TO  
 18 PROVIDE FOR INVESTIGATIONS AND PROSECUTIONS; TO CODIFY SECTION  
 19 97-45-25, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ADDITIONAL  
 20 PENALTIES; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** Section 97-5-31, Mississippi Code of 1972, is  
 23 amended as follows:

24 97-5-31. As used in Sections 97-5-33 through 97-5-37, the  
 25 following words and phrases shall have the meanings given to them  
 26 in this section:

27 (a) "Child" means any individual who has not attained  
 28 the age of eighteen (18) years.

29 (b) "Sexually explicit conduct" means actual or  
 30 simulated:

31 (i) Sexual intercourse, including genital-genital,  
 32 oral-genital, anal-genital, or oral-anal, whether between persons  
 33 of the same or opposite sex;

34 (ii) Bestiality;

35 (iii) Masturbation;

36 (iv) Sadistic or masochistic abuse;



37 (v) Lascivious exhibition of the genitals or pubic  
38 area of any person; or

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

41 (c) "Producing" means producing, directing,  
42 manufacturing, issuing, publishing, or advertising.

43 (d) "Visual depiction" includes without limitation  
44 developed or undeveloped film and videotape or computer generated  
45 or displayed images.

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

48 (f) "Simulated" means any depicting of the genitals or  
49 rectal areas that gives the appearance of sexual conduct or  
50 incipient sexual conduct.

51 **SECTION 2.** Section 97-5-33, Mississippi Code of 1972, is  
52 amended as follows:

53 97-5-33. (1) No person shall, by any means including  
54 computer, cause, solicit or knowingly permit any child to engage  
55 in sexually explicit conduct or in the simulation of sexually  
56 explicit conduct for the purpose of producing any visual depiction  
57 of such conduct.

58 (2) No person shall, by any means including computer,  
59 photograph, \* \* \* film, video tape or otherwise depict or record a  
60 child engaging in sexually explicit conduct or in the simulation  
61 of sexually explicit conduct.

62 (3) No person shall, by any means including computer,  
63 knowingly send, transport, transmit, ship, mail or receive any  
64 photograph, drawing, sketch, film, video tape or other visual  
65 depiction portraying a child engaging in sexually explicit  
66 conduct.

67 (4) No person shall, by any means including computer,  
68 receive with intent to distribute, distribute for sale, sell or  
69 attempt to sell in any manner any photograph, drawing, sketch,



70 film, video tape or other visual depiction which portrays a child  
71 engaging in sexually explicit conduct.

72 (5) No person shall, by any means including computer,  
73 possess any photograph, drawing, sketch, film, video tape or other  
74 visual depiction which portrays a child engaging in sexually  
75 explicit conduct.

76 (6) No person shall, by any means including computer,  
77 knowingly entice, induce, persuade, seduce, solicit, advise,  
78 coerce, or order a child who is sixteen (16) years of age or  
79 younger to meet with the defendant or any other person for the  
80 purpose of engaging in sexually explicit conduct.

81 (7) Portraying adult as minor classification:

82 (a) No person shall masquerade as a child engaging in  
83 sexually explicit conduct or in the simulation of sexually  
84 explicit conduct.

85 (b) No person shall, by any means including computer,  
86 knowingly produce, record, film, photograph, develop, duplicate,  
87 distribute, transport, exhibit, electronically transmit, sell,  
88 purchase or exchange any visual depiction depicting a child  
89 engaging in sexually explicit conduct or the simulation of  
90 sexually explicit conduct even though the participant in such  
91 sexually explicit conduct or simulation of sexually explicit  
92 conduct is an adult masquerading as a child.

93 (c) Any person who violates Section 97-5-33(7) shall be  
94 guilty of a misdemeanor and upon conviction, for each offense,  
95 shall be fined not less than Five Hundred Dollars (\$500.00) nor  
96 more than Five Thousand Dollars (\$5,000.00) or be imprisoned for  
97 not more than one (1) year in the county jail, or be punished by  
98 both such fine and imprisonment.

99 (8) The fact that an undercover operative or law enforcement  
100 officer was involved in the detection and investigation of an  
101 offense under this section shall not constitute a defense to a  
102 prosecution under this section.



103       (9) For purposes of determining jurisdiction, the offense is  
104 committed in this state if all or part of the conduct described in  
105 this section occurs in the State of Mississippi or if the  
106 transmission that constitutes the offense either originates in  
107 this state or is received in this state.

108       **SECTION 3.** Section 97-5-35, Mississippi Code of 1972, is  
109 amended as follows:

110       97-5-35. Any person who violates any provision of  
111 subsections (1) through (6) of Section 97-5-33 shall be guilty of  
112 a felony and upon conviction shall pay a fine of not \* \* \* more  
113 than Fifty Thousand Dollars (\$50,000.00) and shall be imprisoned  
114 for not less than two (2) years nor more than twenty (20) years,  
115 or by both such fine and imprisonment. Any person convicted of a  
116 second or subsequent violation of subsections (1) through (6) of  
117 Section 97-5-33 shall pay a fine of not more than One Hundred  
118 Thousand Dollars (\$100,000.00) and shall be imprisoned not less  
119 than ten (10) years nor more than thirty (30) years, or by both  
120 such fine and imprisonment.

121       **SECTION 4.** Section 97-45-1, Mississippi Code of 1972, is  
122 amended as follows:

123       97-45-1. For the purposes of this chapter, the following  
124 words shall have the meanings ascribed herein unless the context  
125 clearly requires otherwise:

126       (a) "Access" means to program, to execute programs on,  
127 to communicate with, store data in, retrieve data from or  
128 otherwise make use of any resources, including data or programs,  
129 of a computer, computer system or computer network.

130       (b) "Computer" includes an electronic, magnetic,  
131 optical or other high-speed data processing device or system  
132 performing logical arithmetic and storage functions and includes  
133 any property, data storage facility or communications facility  
134 directly related to or operating in conjunction with such device  
135 or system. "Computer" shall not include an automated typewriter



136 or typesetter, a machine designed solely for word processing which  
137 contains no data base intelligence or a portable hand-held  
138 calculator nor shall "computer" include any other device which  
139 contains components similar to those in computers but in which the  
140 components have the sole function of controlling the device for  
141 the single purpose for which the device is intended unless the  
142 thus controlled device is a processor of data or is a storage of  
143 intelligence in which case it too is included.

144 (c) "Computer network" means a set of related, remotely  
145 connected devices and communication facilities including at least  
146 one (1) computer system with the capability to transmit data  
147 through communication facilities.

148 (d) "Computer program" means an ordered set of data  
149 representing coded instructions or statements that when executed  
150 by a computer cause the computer to process data.

151 (e) "Computer software" means a set of computer  
152 programs, procedures and associated documentation concerned with  
153 operation of a computer system.

154 (f) "Computer system" means a set of functionally  
155 related, connected or unconnected, computer equipment, devices or  
156 computer software.

157 (g) "Computer services" means providing access to or  
158 service or data from a computer, a computer system or a computer  
159 network and includes the actual data processing.

160 (h) "Credible threat" means a threat made with the  
161 intent and the apparent ability to carry out the threat so as to  
162 cause the person who is the target of the threat to reasonably  
163 fear for his or her safety.

164 (i) "Loss or damage" includes any reasonable cost to  
165 any victim, including the cost of responding to an offense,  
166 conducting a damage assessment, and restoring the data, program,  
167 system, or information to its condition prior to the offense, and



168 any revenue lost, cost incurred or other consequential damages  
169 incurred because of interruption of service.

170 (j) "Device" includes, but is not limited to, an  
171 electronic, magnetic, electrochemical, biochemical, hydraulic,  
172 optical, or organic object that performs input, output, or storage  
173 functions by the manipulation of electronic, magnetic or other  
174 impulses.

175 (k) "Electronic communication" means any transfer of  
176 signs, signals, writing, images, sounds, data, or intelligence of  
177 any nature, transmitted in whole or in part by a wire, radio,  
178 computer, electromagnetic, photoelectric or photo-optical system.

179 (l) "Electronic mail" means the transmission of  
180 information or communication by the use of the Internet, a  
181 computer, a facsimile machine, a pager, a cellular telephone, a  
182 video recorder, or other electronic means sent to a person  
183 identified by a unique address or address number and received by  
184 that person.

185 (m) "Emotional distress" means significant mental  
186 suffering or distress that may, but does not necessarily, require  
187 medical or other professional treatment or counseling.

188 (n) "Financial instrument" means any check, draft,  
189 money order, certificate of deposit, letter of credit, bill of  
190 exchange, credit card as defined in Section 97-19-9(b),  
191 Mississippi Code of 1972, or marketable security.

192 (o) "Financial transaction device" means any of the  
193 following:

194 (i) An electronic funds transfer card.

195 (ii) A credit card.

196 (iii) A debit card.

197 (iv) A point-of-sale card.

198 (v) Any instrument, device, card, plate, code,  
199 account number, personal identification number, or a record or  
200 copy of a code, account number, or personal identification number



201 or other means of access to a credit account or deposit account,  
202 or a driver's license or state identification card used to access  
203 a proprietary account, other than access originated solely by a  
204 paper instrument, that can be used alone or in conjunction with  
205 another access device, for any of the following purposes.

206 1. Obtaining money, cash refund or credit  
207 account credit, goods, services, or any other thing of value.

208 2. Certifying or guaranteeing to a person or  
209 business the availability to the device holder of funds on deposit  
210 to honor a draft or check payable to the order of that person or  
211 business.

212 3. Providing the device holder access to a  
213 deposit account for the purpose of making deposits, withdrawing  
214 funds, transferring funds between deposit accounts, obtaining  
215 information pertaining to a deposit account, or making an  
216 electronic funds transfer.

217 (p) "Intellectual property" includes data, computer  
218 programs, computer software, trade secrets, copyrighted materials  
219 and confidential or proprietary information in any form or medium  
220 when such is stored in, produced by or intended for use or storage  
221 with or in a computer, a computer system or a computer network.

222 (q) "Internet" means that term as defined in Section  
223 230 of Title II of the Communications Act of 1934, Chapter 652,  
224 110 Stat. 137, 47 USCS 230.

225 (r) "Medical records" includes, but is not limited to,  
226 medical and mental health histories, reports, summaries, diagnoses  
227 and prognoses, treatment and medication information, notes,  
228 entries, and x-rays and other imaging records.

229 (s) "Personal identify information" means any of the  
230 following information of another person:

231 (i) A social security number.

232 (ii) A driver's license number or state personal  
233 identification card number.



234                   (iii) Employment information.

235                   (iv) Information regarding any financial account  
236 held by another person including, but not limited to, any of the  
237 following:

238                   1. A savings or checking account number.

239                   2. A financial transaction device account  
240 number.

241                   3. A stock or other security certificate or  
242 account number.

243                   4. A personal information number for an  
244 account described in sub-subparagraphs 1. to 4.

245                   (t) "Post a message" means transferring, sending,  
246 posting, publishing, disseminating, or otherwise communicating or  
247 attempting to transfer, send, post, publish, disseminate, or  
248 otherwise communicate information, whether truthful or untruthful,  
249 about the victim.

250                   (u) "Property" means property as defined in Section  
251 1-3-45, Mississippi Code of 1972, and shall specifically include,  
252 but not be limited to, financial instruments, electronically  
253 stored or produced data and computer programs, whether in machine  
254 readable or human readable form.

255                   (v) "Proper means" includes:

256                   (i) Discovery by independent invention;

257                   (ii) Discovery by "reverse engineering"; that is,  
258 by starting with the known product and working backward to find  
259 the method by which it was developed. The acquisition of the  
260 known product must be by lawful means;

261                   (iii) Discovery under license or authority of the  
262 owner;

263                   (iv) Observation of the property in public use or  
264 on public display; or

265                   (v) Discovery in published literature.





266           (w) "Unconsented contact" means any contact with  
267 another individual that is initiated or continued without that  
268 individual's consent or in disregard of that individual's  
269 expressed desire that the contact be avoided or discontinued.  
270 Unconsented contact includes any of the following:  
271           (i) Following or appearing within sight of the  
272 victim.  
273           (ii) Approaching or confronting the victim in a  
274 public place or on private property.  
275           (iii) Appearing at the victim's workplace or  
276 residence.  
277           (iv) Entering onto or remaining on property owned,  
278 leased, or occupied by the victim.  
279           (v) Contacting the victim by telephone.  
280           (vi) Sending mail or electronic communications to  
281 the victim through the use of any medium, including the Internet  
282 or a computer, computer program, computer system, or computer  
283 network.  
284           (vii) Placing an object on, or delivering or  
285 having delivered an object to, property owned, leased, or occupied  
286 by the victim.  
287           (x) "Use" means to make use of, to convert to one's  
288 service, to avail oneself of or to employ. In the context of this  
289 act, "use" includes to instruct, communicate with, store data in  
290 or retrieve data from, or otherwise utilize the logical arithmetic  
291 or memory functions of a computer.  
292           (y) "Victim" means the individual who is the target of  
293 the conduct elicited by the posted message or a member of that  
294 individual's immediate family.

295           **SECTION 5.** Section 97-45-3, Mississippi Code of 1972, is  
296 amended as follows:



297           97-45-3. (1) Computer fraud is the accessing or causing to  
298 be accessed of any computer, computer system, computer network, or  
299 any part thereof with the intent to:

300           (a) Defraud; or

301           (b) Obtain money, property or services by means of  
302 false or fraudulent conduct, practices or representations; or  
303 through the false or fraudulent alteration, deletion or insertion  
304 of programs or data; or

305           (c) Insert or attach or knowingly create the  
306 opportunity for an unknowing and unwanted insertion or attachment  
307 of a set of instructions or a computer program into a computer  
308 program, computer, computer system, or computer network, that is  
309 intended to acquire, alter, damage, delete, disrupt, or destroy  
310 property or otherwise use the services of a computer program,  
311 computer, computer system, or computer network.

312           (2) Whoever commits the offense of computer fraud shall be  
313 punished, upon conviction, by a fine of not more than One Thousand  
314 Dollars (\$1,000.00), or by imprisonment for not more than six (6)  
315 months, or by both such fine and imprisonment. However, when the  
316 damage or loss amounts to a value of One Hundred Dollars (\$100.00)  
317 or more, the offender may be punished, upon conviction, by a fine  
318 of not more than Ten Thousand Dollars (\$10,000.00) or by  
319 imprisonment for not more than five (5) years, or by both such  
320 fine and imprisonment.

321           **SECTION 6.** The following shall be codified as Section  
322 97-45-15, Mississippi Code of 1972:

323           97-45-15. (1) It is unlawful for a person to:

324           (a) Use in electronic mail or electronic communication  
325 any words or language threatening to inflict bodily harm to any  
326 person or to that person's child, sibling, spouse, or dependent,  
327 or physical injury to the property of any person, or for the  
328 purpose of extorting money or other things of value from any  
329 person.



330 (b) Electronically mail or electronically communicate  
331 to another repeatedly, whether or not conversation ensues, for the  
332 purpose of abusing, annoying, threatening, terrifying, harassing,  
333 or embarrassing any person.

334 (c) Electronically mail or electronically communicate  
335 to another and to knowingly make any false statement concerning  
336 death, injury, illness, disfigurement, indecent conduct, or  
337 criminal conduct of the person electronically mailed or of any  
338 member of the person's family or household with the intent to  
339 abuse, annoy, threaten, terrify, harass, or embarrass.

340 (d) Knowingly permit an electronic communication device  
341 under the person's control to be used for any purpose prohibited  
342 by this section.

343 (2) Whoever commits the offense of cyberstalking shall be  
344 punished, upon conviction:

345 (a) Except as provided herein, the person is guilty of  
346 a felony punishable by imprisonment for not more than two (2)  
347 years or a fine of not more than Five Thousand Dollars  
348 (\$5,000.00), or both.

349 (b) If any of the following apply, the person is guilty  
350 of a felony punishable by imprisonment for not more than five (5)  
351 years or a fine of not more than Ten Thousand Dollars  
352 (\$10,000.00), or both:

353 (i) The offense is in violation of a restraining  
354 order and the person has received actual notice of that  
355 restraining order or posting the message is in violation of an  
356 injunction or preliminary injunction.

357 (ii) The offense is in violation of a condition of  
358 probation, a condition of parole, a condition of pretrial release,  
359 or a condition of release on bond pending appeal.

360 (iii) The offense results in a credible threat  
361 being communicated to the victim, a member of the victim's family,  
362 or another individual living in the same household as the victim.



363 (iv) The person has been previously convicted of  
364 violating this section or a substantially similar law of another  
365 state, a political subdivision of another state, or of the United  
366 States.

367 (3) This section does not apply to any peaceable,  
368 nonviolent, or nonthreatening activity intended to express  
369 political views or to provide lawful information to others. This  
370 section shall not be construed to impair any constitutionally  
371 protected activity, including speech, protest or assembly.

372 **SECTION 7.** The following shall be codified as Section  
373 97-45-17, Mississippi Code of 1972:

374 97-45-17. (1) A person shall not post a message through the  
375 use of any medium of communication, including the Internet or a  
376 computer, computer program, computer system, or computer network,  
377 or other electronic medium of communication, without the victim's  
378 consent, if all of the following apply:

379 (a) The person knows or has reason to know that posting  
380 the message could cause two (2) or more separate noncontinuous  
381 acts of unconsented contact with the victim.

382 (b) Posting the message is intended to cause conduct  
383 that would make the victim feel terrorized, frightened,  
384 intimidated, threatened, harassed or molested.

385 (c) Conduct arising from posting the message would  
386 cause a reasonable person to suffer emotional distress and to feel  
387 terrorized, frightened, intimidated, threatened, harassed or  
388 molested.

389 (d) Conduct arising from posting the message causes the  
390 victim to suffer emotional distress and to feel terrorized,  
391 frightened, intimidated, threatened, harassed or molested.

392 (2) Whoever commits the offense contained within this  
393 section shall be punished, upon conviction, as follows:

394 (a) Except as provided herein, the person is guilty of  
395 a felony punishable by imprisonment for not more than two (2)



396 years or a fine of not more than Five Thousand Dollars  
397 (\$5,000.00), or both.

398 (b) If any of the following apply, the person is guilty  
399 of a felony punishable by imprisonment for not more than five (5)  
400 years or a fine of not more than Ten Thousand Dollars  
401 (\$10,000.00), or both:

402 (i) Posting the message is in violation of a  
403 restraining order and the person has received actual notice of  
404 that restraining order or posting the message is in violation of  
405 an injunction or preliminary injunction.

406 (ii) Posting the message is in violation of a  
407 condition of probation, a condition of parole, a condition of  
408 pretrial release, or a condition of release on bond pending  
409 appeal.

410 (iii) Posting the message results in a credible  
411 threat being communicated to the victim, a member of the victim's  
412 family, or another individual living in the same household as the  
413 victim.

414 (iv) The person has been previously convicted of  
415 violating this section or a substantially similar law of another  
416 state, a political subdivision of another state, or of the United  
417 States.

418 (v) The victim is less than eighteen (18) years of  
419 age when the violation is committed and the person committing the  
420 violation is five (5) or more years older than the victim.

421 (3) This section does not apply to an Internet or computer  
422 network service provider who in good faith, and without knowledge  
423 of the specific nature of the message posted, provides the medium  
424 for disseminating information or communication between persons.

425 (4) This section does not prohibit a person from being  
426 charged with, convicted of, or punished for any other violation of  
427 law committed by that person while violating or attempting to  
428 violate this section.



429 (5) This section does not prohibit constitutionally  
430 protected speech or activity.

431 (6) Notwithstanding other provisions contained within this  
432 chapter, a person may be prosecuted in this state for violating or  
433 attempting to violate this section only if one (1) of the  
434 following applies:

435 (a) The person posts the message while in this state;

436 (b) Conduct arising from posting the message occurs in  
437 this state;

438 (c) The victim is present in this state at the time the  
439 offense or any element of the offense occurs; or

440 (d) The person posting the message knows that the  
441 victim resides in this state.

442 **SECTION 8.** The following shall be codified as Section  
443 97-45-19, Mississippi Code of 1972:

444 97-45-19. (1) A person shall not obtain or attempt to  
445 obtain personal identity information of another person with the  
446 intent to unlawfully use that information for any of the following  
447 purposes without that person's authorization:

448 (a) To obtain financial credit.

449 (b) To purchase or otherwise obtain or lease any real  
450 or personal property.

451 (c) To obtain employment.

452 (d) To obtain access to medical records or information  
453 contained in medical records.

454 (e) To commit any illegal act.

455 (2) A person who violates this section is guilty of a felony  
456 punishable by imprisonment for not more than five (5) years or a  
457 fine of not more than Ten Thousand Dollars (\$10,000.00), or both.

458 (3) This section does not prohibit the person from being  
459 charged with, convicted of, or sentenced for any other violation  
460 of law committed by that person using information obtained in  
461 violation of this section.



462 (4) This section does not apply to a person who obtains or  
463 attempts to obtain personal identity information of another person  
464 pursuant to the discovery process of a civil action, an  
465 administrative proceeding or an arbitration proceeding.

466 **SECTION 9.** The following shall be codified as Section  
467 97-45-21, Mississippi Code of 1972:

468 97-45-21. For purposes of bringing a criminal action under  
469 this chapter, a person who causes, by any means, the access of a  
470 computer, computer system or computer network in one jurisdiction  
471 from another jurisdiction is deemed to have personally accessed  
472 the computer, computer system or computer network in each  
473 jurisdiction.

474 **SECTION 10.** The following shall be codified as Section  
475 97-45-23, Mississippi Code of 1972:

476 97-45-23. Prosecutions for violations under Title 97,  
477 Chapter 45, or Section 97-5-33, may be instituted by the Attorney  
478 General, his designee or the district attorney of the district in  
479 which the violation occurred, and shall be conducted in the name  
480 of the State of Mississippi. In the prosecution of any criminal  
481 proceeding in accordance with this subsection by the Attorney  
482 General, his designee, and in any proceeding before a grand jury  
483 in connection therewith, the Attorney General, or his designee,  
484 shall exercise all the powers and perform all the duties which the  
485 district attorney would otherwise be authorized or required to  
486 exercise or perform. The Attorney General, or his designee, shall  
487 have the authority to issue and serve subpoenas in the  
488 investigation of any matter which may violate Title 97, Chapter  
489 45, or Section 97-5-33.

490 **SECTION 11.** The following shall be codified as Section  
491 97-45-25, Mississippi Code of 1972:

492 97-45-25. In a proceeding for violations under Title 97,  
493 Chapter 45, or Section 97-5-33, the court, in addition to the  
494 criminal penalties imposed under this chapter, shall assess



495 against the defendant convicted of such violation double those  
496 reasonable costs that are expended by the Office of Attorney  
497 General, the district attorney's office, the sheriff's office or  
498 police department involved in the investigation of such case,  
499 including, but not limited to, the cost of investigators, software  
500 and equipment utilized in the investigation, together with costs  
501 associated with process service, court reporters and expert  
502 witnesses. The Attorney General or district attorney may  
503 institute and maintain proceedings in his name for enforcement of  
504 payment in the circuit court of the county of residence of the  
505 defendant and, if the defendant is a nonresident, such proceedings  
506 shall be in the Circuit Court of the First Judicial District of  
507 Hinds County, Mississippi. The Attorney General or district  
508 attorney shall distribute the property or interest assessed under  
509 this section as follows:

510 (a) Fifty percent (50%) shall be distributed to the  
511 unit of state or local government whose officers or employees  
512 conducted the investigation into computer fraud or child  
513 exploitation which resulted in the arrest or arrests and  
514 prosecution. Amounts distributed to units of local government  
515 shall be used for training or enforcement purposes relating to  
516 detection, investigation or prosecution of computer and financial  
517 crimes, including computer fraud or child exploitation.

518 (b) Where the prosecution was maintained by the  
519 district attorney, fifty percent (50%) shall be distributed to the  
520 county in which the prosecution was instituted by the district  
521 attorney and appropriated to the district attorney for use in  
522 training or enforcement purposes relating to detection,  
523 investigation or prosecution of computer and financial crimes,  
524 including computer fraud or child exploitation. Where a  
525 prosecution was maintained by the Attorney General, fifty percent  
526 (50%) of the proceeds shall be paid or distributed into the  
527 Attorney General's Cyber Crime Unit. Where the Attorney General





528 and the district attorney have participated jointly in any part of  
529 the proceedings, twenty-five percent (25%) of the property  
530 forfeited shall be paid to the county in which the prosecution  
531 occurred, and twenty-five percent (25%) shall be paid to the  
532 Attorney General's Cyber Crime Unit to be used for the purposes as  
533 stated in this paragraph.

534         **SECTION 12.** This act shall take effect and be in force from  
535 and after July 1, 2002.

