

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2116

1 AN ACT TO CREATE NEW SECTION 97-3-8, MISSISSIPPI CODE OF
2 1972, TO CREATE THE CRIME OF INDECENT ASSAULT AGAINST A PERSON OF
3 ANY AGE IF DONE WITHOUT CONSENT; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** The following shall be codified as Section
6 97-3-8, Mississippi Code of 1972:

7 97-3-8. (1) (a) A person is guilty of indecent assault if
8 the person knowingly and intentionally touches another person on
9 the breasts, buttocks, genital area or anal area without the
10 consent of the other person who is so touched, and, upon
11 conviction, the person violating this section shall be punished by
12 imprisonment in the county jail for not more than one (1) year.

13 (b) Upon a third or subsequent conviction under this
14 section, whether against the same or another victim and within
15 five (5) years, the defendant shall be guilty of a felony and
16 sentenced to a term of imprisonment of not less than five (5) nor
17 more than ten (10) years.

18 (2) Nothing in this section shall be construed to prevent
19 prosecution of any person under Section 97-5-23, Mississippi Code
20 of 1972.

21 **SECTION 2.** This act shall take effect and be in force from
22 and after July 1, 2005.