

**Adopted
AMENDMENT NO 2 PROPOSED TO**

Senate Bill No. 2864

BY: Senator(s) Hyde-Smith

1 **AMEND by inserting after line 6 the following and renumber**
2 **subsequent section(s) accordingly:**

3 **SECTION *.** Section 97-5-33, Mississippi Code of 1972, is
4 amended as follows:

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

10 (2) No person shall, by any means including computer,
11 photograph, film, video tape or otherwise depict or record a child
12 engaging in sexually explicit conduct or in the simulation of
13 sexually explicit conduct.

14 (3) No person shall, by any means including computer,
15 knowingly send, transport, transmit, ship, mail or receive any
16 photograph, drawing, sketch, film, video tape or other visual
17 depiction of an actual child engaging in sexually explicit
18 conduct.

19 (4) No person shall, by any means including computer,
20 receive with intent to distribute, distribute for sale, sell or
21 attempt to sell in any manner any photograph, drawing, sketch,
22 film, video tape or other visual depiction of an actual child
23 engaging in sexually explicit conduct.

24 (5) No person shall, by any means including computer,
25 possess any photograph, drawing, sketch, film, video tape or other
26 visual depiction of an actual child engaging in sexually explicit
27 conduct.

28 (6) No person shall, by any means including computer,
29 knowingly entice, induce, persuade, seduce, solicit, advise,
30 coerce, or order a child to meet with the defendant or any other
31 person for the purpose of engaging in sexually explicit conduct.

32 (7) No person shall by any means, including computer,
33 knowingly entice, induce, persuade, seduce, solicit, advise,
34 coerce or order a child to produce any visual depiction of adult
35 sexual conduct or any sexually explicit conduct.

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

40 (9) For purposes of determining jurisdiction, the offense is
41 committed in this state if all or part of the conduct described in
42 this section occurs in the State of Mississippi or if the
43 transmission that constitutes the offense either originates in
44 this state or is received in this state.

45 **FURTHER, AMEND the title on line 1 after the word "ACT" by**
46 **inserting the following:**

47 TO AMEND SECTION 97-5-33, MISSISSIPPI CODE OF 1972, BY PROHIBITING
48 EXPLOITATION OF A CHILD BY CAUSING THAT CHILD TO TAKE SEXUALLY
49 PROVOCATIVE PICTURES;