

By: Representative Parker

To: Judiciary B

HOUSE BILL NO. 103

1 AN ACT TO AMEND SECTIONS 97-3-65, 97-3-71 AND 97-3-101,
2 MISSISSIPPI CODE OF 1972, TO AUTHORIZE CASTRATION OF RAPE AND
3 SEXUAL BATTERY OFFENDERS TWENTY-ONE YEARS OF AGE OR OLDER; AND FOR
4 RELATED PURPOSES.

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

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

8 97-3-65. (1) The crime of statutory rape is committed when:

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

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

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

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

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

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

19 (ii) Is twenty-four (24) or more months younger
20 than the person; and

21 (iii) Is not the person's spouse.

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

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

26 (a) If eighteen (18) years of age or older, but under
27 twenty-one (21) years of age, and convicted under subsection

28 (1)(a) of this section, to imprisonment for not more than five (5)

29 years in the State Penitentiary or a fine of not more than Five
30 Thousand Dollars (\$5,000.00), or both;

31 (b) If twenty-one (21) years of age or older and convicted
32 under subsection (1)(a) of this section, to imprisonment of not
33 more than thirty (30) years in the State Penitentiary or a fine of
34 not more than Ten Thousand Dollars (\$10,000.00), or both, for the
35 first offense, and not more than forty (40) years in the State
36 Penitentiary for each subsequent offense;

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

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

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

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

60 (5) In all cases where a victim is under the age of sixteen
61 (16) years, it shall not be necessary to prove penetration where

62 it is shown the genitals, anus or perineum of the child have been
63 lacerated or torn in the attempt to have sexual intercourse with
64 the child.

65 (6) For the purposes of this section, "sexual intercourse"
66 shall mean a joining of the sexual organs of a male and female
67 human being in which the penis of the male is inserted into the
68 vagina of the female.

69 (7) In addition to the penalties provided in this section,
70 the court is authorized to order the castration of an offender who
71 is twenty-one (21) years of age or older convicted under this
72 section.

73 **SECTION 2.** Section 97-3-71, Mississippi Code of 1972, is
74 amended as follows:

75 97-3-71. Every person who shall be convicted of an assault
76 with intent to forcibly ravish any female of previous chaste
77 character shall be punished by imprisonment in the Penitentiary
78 for life, or for such shorter time as may be fixed by the jury, or
79 by the court upon the entry of a plea of guilty. The court may
80 also order the castration of an offender who is twenty-one (21)
81 years of age or older convicted under this section.

82 **SECTION 3.** Section 97-3-101, Mississippi Code of 1972, is
83 amended as follows:

84 97-3-101. (1) Every person who shall be convicted of sexual
85 battery under Section 97-3-95(1)(a), (b), or (2) shall be
86 imprisoned in the State Penitentiary for a period of not more than
87 thirty (30) years, and for a second or subsequent such offense
88 shall be imprisoned in the penitentiary for not more than forty
89 (40) years.

90 (2) (a) Every person who shall be convicted of sexual
91 battery under Section 97-3-95(1)(c) who is at least eighteen (18)
92 but under twenty-one (21) years of age shall be imprisoned for not
93 more than five (5) years in the State Penitentiary or fined not
94 more than Five Thousand Dollars (\$5,000.00), or both;

95 (b) Every person who shall be convicted of sexual
96 battery under Section 97-3-95(1)(c) who is twenty-one (21) years
97 of age or older shall be imprisoned not more than thirty (30)
98 years in the State Penitentiary or fined not more than Ten
99 Thousand Dollars (\$10,000.00), or both, for the first offense, and
100 not more than forty (40) years in the State Penitentiary for each
101 subsequent offense.

102 (3) Every person who shall be convicted of sexual battery
103 under Section 97-3-95(1)(d) who is eighteen (18) years of age or
104 older shall be imprisoned for life in the State Penitentiary or
105 such lesser term of imprisonment as the court may determine, but
106 not less than twenty (20) years.

107 (4) Every person who shall be convicted of sexual battery
108 who is thirteen (13) years of age or older but under eighteen (18)
109 years of age shall be sentenced to such imprisonment, fine or
110 other sentence as the court, in its discretion, may determine.

111 (5) In addition to the penalties provided in this section,
112 the court is authorized to order the castration of an offender who
113 is twenty-one (21) years of age or older convicted of sexual
114 battery.

115 **SECTION 4.** This act shall take effect and be in force from
116 and after its passage.