

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1308: Grooming of a child; establish as a criminal offense.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

14       **SECTION 1.** The following shall be codified as Section  
15   97-5-32, Mississippi Code of 1972:

16       97-5-32. (1) As used in this section, the following terms  
17 shall have the meanings herein ascribed:

18           (a) "Electronic device" means any device used for the  
19 purpose of communicating with a child for sexual purposes or any  
20 device used to visually depict a child engaged in sexually  
21 explicit conduct, store any image or audio of a child engaged in  
22 sexually explicit conduct, or transmit any audio or visual image  
23 of a child for sexual purposes. Such term may include, but shall  
24 not be limited to, a computer, cellular phone, thumb drive, video  
25 game system, or any other electronic device that can be used in  
26 furtherance of exploiting a child for sexual purposes.



27 (b) "Pattern of conduct or communication" means a  
28 pattern of conduct or communication that would cause a reasonable  
29 adult person to believe that the person is communicating with a  
30 child with the purpose to entice, coerce, solicit, or prepare a  
31 child to engage in sexually explicit conduct, human trafficking,  
32 or sexual servitude.

33 (c) "Human trafficking" means that term as defined in  
34 Section 97-3-54.1.

35 (d) "Sexually explicit conduct" means that term as  
36 defined in Section 97-5-31(b).

37 (e) "Procure sexual servitude of a child" means  
38 knowingly subjecting, or attempting to subject, or recruiting,  
39 enticing, harboring, transporting, providing or obtaining by any  
40 means, or attempting to recruit, entice, harbor, transport,  
41 provide, or obtain by any means, a child, knowing that the child  
42 will engage in commercial sexual activity, sexually explicit  
43 performance, or the production of sexually oriented material, or  
44 causing or attempting to cause a child to engage commercial sexual  
45 activity, sexually explicit performance, or the production of  
46 sexually oriented material.

47 (f) "Child" means a person who is under sixteen (16)  
48 years of age for purposes of this section.

49 (2) A person over the age of twenty-one (21) commits the  
50 offense of grooming of a child when such person knowingly engages  
51 in a pattern of conduct or communication in person; through a



52 third party; through the use of an electronic device, computer,  
53 social media, or text messages; or by any other means to gain  
54 access to, to gain the compliance of, to prepare, to persuade, to  
55 induce, or to coerce a child to engage in sexually explicit  
56 conduct or human trafficking or to procure the sexual servitude of  
57 a child.

58 (3) (a) Any person who violates this section shall be  
59 guilty of a felony, and upon conviction thereof, be imprisoned in  
60 the custody of the Department of Corrections for not less than two  
61 (2) years nor more than ten (10) years, or fined not more than Ten  
62 Thousand Dollars (\$10,000.00), or both.

63 (b) (i) Any person who is eighteen (18) years of age  
64 or older and violates this section while that person was in a  
65 position of trust or authority over the child at the time of the  
66 offense shall be guilty of a felony, and upon conviction thereof,  
67 be imprisoned in the custody of the Department of Corrections for  
68 not less than five (5) years nor more than ten (10) years, or  
69 fined not more than Twenty Thousand Dollars (\$20,000.00), or both.

70 (ii) A person in a position of trust or authority  
71 over a child includes, without limitation, a child's teacher,  
72 counselor, physician, psychiatrist, psychologist, minister,  
73 priest, physical therapist, chiropractor, legal guardian, parent,  
74 stepparent, aunt, uncle, scout leader, or coach.

75 (c) Any person who commits a subsequent offense under  
76 this section or any person that is a sex offender with a duty to



77 register under Section 45-33-25 who commits an initial offense  
78 under this section shall be guilty of a felony, and upon  
79 conviction thereof, be imprisoned in the custody of the Department  
80 of Corrections for not less than ten (10) years nor more than  
81 twenty (20) years, or fined not more than Thirty Thousand Dollars  
82 (\$30,000.00), or both.

83 (4) The fines under this section shall be collected and  
84 deposited into the Victims of Human Trafficking and Commercial  
85 Sexual Exploitation Fund pursuant to Section 97-3-54.11.

86 (5) Investigation and prosecution of a defendant under this  
87 section does not preclude prosecution of the defendant for a  
88 violation of other applicable criminal laws of this state.

89 (6) It shall not be a defense to prosecution under this  
90 section that no sexually explicit conduct, human trafficking, or  
91 sexual servitude occurred or was accomplished.

92 (7) For the purposes of venue under this section, any  
93 violation of this section shall be considered to have been  
94 committed:

95 (a) In any county in which any act was performed in  
96 furtherance of any violation of this section; or

97 (b) In any county in which the electronic device used  
98 to violate this act established a signal, whether by wire,  
99 electromagnetic waves, electronic connection, or any other means  
100 of connectivity or communication; or



(c) In any county in which the child is located at the time of the offense of this section.

**SECTION 2.** Section 97-5-31, Mississippi Code of 1972, is amended as follows:

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

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

(b) "Sexually explicit conduct" means actual, morphed or simulated:

(i) Oral genital contact, oral anal contact, or sexual intercourse as defined in Section 97-3-65, whether between persons of the same or opposite sex;

(ii) Bestiality;

(iii) Masturbation;

(iv) Sadistic or masochistic abuse;

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

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

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

(d) "Visual depiction" includes, without limitation, developed or undeveloped film and video tape or other visual



unaltered, altered or morphed reproductions by computer and technology.

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

(f) "Morphed image" means any visual depiction or representation, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, simulated or other means, of sexually explicit conduct, where such visual depiction or representation has been created, adapted, or modified to appear \* \* \* to be a minor is engaging in sexual conduct or sexually explicit activity or appearing in a state of sexually explicit nudity.

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

\* \* \*

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

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



150           (2) No person shall, by any means, including computer,  
151 photograph, film, video tape or otherwise depict or record a child  
152 engaging in sexually explicit conduct or in the simulation of  
153 sexually explicit conduct.

154           (3) No person shall, by any means including computer,  
155 knowingly send, transport, transmit, ship, mail or receive any  
156 photograph, drawing, sketch, film, video tape or other visual  
157 depiction of an actual child engaging in sexually explicit  
158 conduct.

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

164           (5) No person shall, by any means, including computer,  
165 knowingly possess or knowingly access with intent to view any  
166 photograph, drawing, sketch, film, video tape or other visual  
167 depiction of an actual child engaging in sexually explicit  
168 conduct.

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

173           (7) No person shall, by any means, including computer,  
174 knowingly entice, induce, persuade, seduce, solicit, advise,



coerce or order a child to produce any visual depiction of adult sexual conduct or any sexually explicit conduct.

(8) The fact that an undercover operative or law enforcement officer posed as a child or was involved in any other manner in the detection and investigation of an offense under this section shall not constitute a defense to a prosecution under this section.

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

**SECTION 4.** Section 97-5-35, Mississippi Code of 1972, is brought forward as follows:

97-5-35. Any person who violates any provision of Section 97-5-33 shall be guilty of a felony and upon conviction shall be fined not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00) and shall be imprisoned for not less than five (5) years nor more than forty (40) years. Any person convicted of a second or subsequent violation of Section 97-5-33 shall be fined not less than One Hundred Thousand Dollars (\$100,000.00) nor more than One Million Dollars (\$1,000,000.00) and shall be confined in the custody of the Department of Corrections for life or such lesser term as the court may determine, but not less than twenty (20) years.



200           **SECTION 5.** Section 97-5-37, Mississippi Code of 1972, is  
201 brought forward as follows:

202           97-5-37. The provisions of Sections 97-5-31 through 97-5-37  
203 are supplemental to any statute relating to child abuse or  
204 neglect, obscenity, enticement of children or contributing to  
205 delinquency of a minor and acquittal or conviction pursuant to any  
206 other statute shall not be a bar to prosecution under Sections  
207 97-5-31 through 97-5-37. Acquittal or conviction under Sections  
208 97-5-31 through 97-5-37 shall not be a bar to prosecution and  
209 conviction under other statutes defining crimes or misdemeanors,  
210 nor to any civil or administrative remedy otherwise available.

211           **SECTION 6.** Section 97-5-5, Mississippi Code of 1972, is  
212 brought forward as follows:

213           97-5-5. Every person who shall maliciously, willfully, or  
214 fraudulently lead, take, carry away, decoy or entice away, any  
215 child under the age of fourteen (14) years, with intent to detain  
216 or conceal such child from its parents, guardian, or other person  
217 having lawful charge of such child, or for the purpose of  
218 prostitution, concubinage, or marriage, shall, on conviction, be  
219 imprisoned in the custody of the Department of Corrections for not  
220 less than two (2) years nor more than ten (10) years, or fined not  
221 more than Ten Thousand Dollars (\$10,000.00), or both.  
222 Investigation and prosecution of a defendant under this section  
223 does not preclude prosecution of the defendant for a violation of



other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section 97-3-54 et seq.

**SECTION 7.** Section 97-5-7, Mississippi Code of 1972, is brought forward as follows:

97-5-7. Any person who shall persuade, entice or decoy away from its father or mother with whom it resides any child under the age of eighteen (18) years, being unmarried, for the purpose of employing such child without the consent of its parents, or one of them, shall upon conviction be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail not more than one (1) year, or both. Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section 97-3-54 et seq.

**SECTION 8.** This act shall take effect and be in force from and after July 1, 2025.

**Further, amend by striking the title in its entirety and inserting in lieu thereof the following:**

AN ACT TO CREATE NEW SECTION 97-5-32, MISSISSIPPI CODE OF 1972, TO CREATE THE CRIME OF GROOMING OF A CHILD; TO DEFINE TERMS; TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS; TO AMEND SECTION 97-5-31, MISSISSIPPI CODE OF 1972, TO REMOVE THE DEFINITION OF IDENTIFIABLE CHILD AND TO REMOVE IDENTIFIABLE CHILD IN THE DEFINITION OF CHILD AND MORPHED IMAGES; TO BRING FORWARD SECTIONS 97-5-33, 97-5-35 AND 97-5-37, MISSISSIPPI CODE OF 1972, WHICH ARE THE PROVISIONS THAT PROVIDE FOR THE OFFENSE OF EXPLOITATION OF A CHILD, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 97-5-5 AND 97-5-7, MISSISSIPPI CODE OF 1972, WHICH ARE



11 THE PROVISIONS THAT PROVIDE FOR THE OFFENSES OF ENTICING A CHILD,  
12 FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)  
Horan

X (SIGNED)  
Owen

X (SIGNED)  
Hall

CONFEREES FOR THE SENATE

X (SIGNED)  
Fillingane

X (SIGNED)  
DeBar

X (SIGNED)  
McCaughn

