MISSISSIPPI LEGISLATURE REGULAR SESSION 2015

By: Representative Moak To: Judiciary B

HOUSE BILL NO. 721

AN ACT TO AMEND SECTION 97-5-35, MISSISSIPPI CODE OF 1972, TO AUTHORIZE JUDICIARY DISCRETION TO REDUCE FINES FOR VIOLATIONS OF CERTAIN CHILD EXPLOITATION CRIMES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 97-5-35, Mississippi Code of 1972, is amended as follows:

97-5-35. (1) Any person who violates any provision of Section 97-5-33, except as otherwise provided in subsection (2) of this section for violation of subsection (6) 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.

(2) The court in its discretion may reduce the amount of the fines provided in subsection (1) of this section for violation of Section 97-5-33(6):

(a) After a period of probation that was included in an original court order has expired;

(b) If there are no other outstanding claims against the party, excluding any fine payment; and

(c) If a request by petition is filed by the person fined with the appropriate court and notice to the appropriate district attorney.

SECTION 2. This act shall take effect and be in force from and after July 1, 2015.