

By: Guice

To: Judiciary A

HOUSE BILL NO. 171

1 AN ACT TO AMEND SECTION 97-43-3, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE THE WRONGFUL USE OF PUBLIC FUNDS, PROPERTY OR EMPLOYEES IN
3 THE STATE RICO LAW; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 97-43-3, Mississippi Code of 1972, is
6 amended as follows:

7 97-43-3. The following terms shall have the meanings
8 ascribed to them herein unless the context requires otherwise:

9 (a) "Racketeering activity" means to commit, to attempt
10 to commit, to conspire to commit, or to solicit, coerce or
11 intimidate another person to commit any crime which is chargeable
12 under the following provisions of the Mississippi Code of 1972:

13 (1) Section 97-19-71, which relates to fraud in
14 connection with any state or federally funded assistance programs.

15 (2) Section 75-71-735, which relates to violations
16 of the Mississippi Securities Act.

17 (3) Sections 45-13-105, 45-13-109, 97-37-23 and
18 97-37-25, which relate to unlawful possession, use and
19 transportation of explosives.

20 (4) Sections 97-3-19 and 97-3-21, which relate to
21 murder.

22 (5) Section 97-3-7(2), which relates to aggravated
23 assaults.

24 (6) Section 97-3-53, which relates to kidnapping.

25 (7) Sections 97-3-73 through 97-3-83, which relate
26 to robbery.

27 (8) Sections 97-17-19 through 97-17-37, which
28 relate to burglary.

29 (9) Sections 97-17-1 through 97-17-13, which relate
30 to arson.

31 (10) Sections 97-29-49, 97-29-51 and 97-29-53,
32 which relate to prostitution.

33 (11) Sections 97-5-5 and 97-5-31 through 97-5-37,
34 which relate to the exploitation of children and enticing children
35 for concealment, prostitution or marriage.

36 (12) Section 41-29-139, which relates to violations
37 of the Uniform Controlled Substances Law; provided, however, that
38 in order to be classified as "racketeering activity," such offense
39 must be punishable by imprisonment for more than one (1) year.

40 (13) Sections 97-21-1 through 97-21-63, which
41 relate to forgery and counterfeiting.

42 (14) Sections 97-9-1 through 97-9-77, which relate
43 to offenses affecting administration of justice.

44 (15) Sections 97-33-1 through 97-33-49, which
45 relate to gambling and lotteries.

46 (16) Section 25-1-73, which relates to the
47 liability of public officials for improperly withholding public
48 funds. "Racketeering activity" shall also include any wrongful
49 use of public funds, property or employees by any elected or
50 appointed public official or by any employee of any elected or
51 appointed official.

52 (b) "Unlawful debt" means money or any other thing of

53 value constituting principal or interest of a debt which is
54 legally unenforceable in whole or in part because the debt was
55 incurred or contracted in gambling activity in violation of state
56 law or in the business of lending money at a rate usurious under
57 state law, where the usurious rate is at least twice the
58 enforceable rate.

59 (c) "Enterprise" means any individual, sole
60 proprietorship, partnership, corporation, union or other legal
61 entity, or any association or group of individuals associated in
62 fact although not a legal entity. It includes illicit as well as
63 licit enterprises and governmental, as well as other, entities.

64 (d) "Pattern of racketeering activity" means engaging in
65 at least two (2) incidents of racketeering conduct that have the
66 same or similar intents, results, accomplices, victims, or methods
67 of commission or otherwise are interrelated by distinguishing
68 characteristics and are not isolated incidents, provided at least
69 one (1) of such incidents occurred after the effective date of
70 this chapter and that the last of such incidents occurred within
71 five (5) years after a prior incident of racketeering conduct.

72 SECTION 2. This act shall take effect and be in force from
73 and after July 1, 2000.