

By: Kirby, Robertson, Mettetal, Harden,
Carlton, Johnson (19th)

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2644

1 AN ACT TO AMEND SECTION 63-25-5, MISSISSIPPI CODE OF 1972, TO
2 REMOVE RESTRICTIONS ON PROSECUTING CHOP SHOPS; TO AUTHORIZE
3 INSPECTION OF PREMISES WHERE CHOP SHOP ACTIVITIES MAY OCCUR; AND
4 FOR RELATED PURPOSES.

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

6 SECTION 1. Section 63-25-5, Mississippi Code of 1972, is
7 amended as follows:

8 63-25-5. (1) Any person who knowingly and intentionally:

9 (a) owns, operates or conducts a chop shop; (b) transports any
10 motor vehicle or motor vehicle part to or from a location knowing
11 it to be a chop shop; or (c) sells, transfers, purchases or
12 receives any motor vehicle or motor vehicle part either to or from
13 a location knowing it to be a chop shop, shall be guilty of a
14 felony and, upon conviction thereof, shall be punished by
15 imprisonment for not more than fifteen (15) years and by a fine of
16 not more than One Hundred Thousand Dollars (\$100,000.00).

17 (2) Any person who knowingly alters, counterfeits, defaces,
18 destroys, disguises, falsifies, forges, obliterates or knowingly
19 removes a vehicle identification number with the intent to
20 misrepresent the identity or prevent the identification of a motor
21 vehicle or motor vehicle part shall be guilty of a felony and,
22 upon conviction thereof, shall be punished by imprisonment for not
23 more than five (5) years and by a fine of not more than Five
24 Thousand Dollars (\$5,000.00).

25 (3) (a) Any person who buys, disposes, sells, transfers or
26 possesses a motor vehicle or motor vehicle part with the knowledge
27 that the vehicle identification number of the motor vehicle or

28 motor vehicle part has been altered, counterfeited, defaced,
29 destroyed, disguised, falsified, forged, obliterated or removed
30 shall be guilty of a felony and, upon conviction thereof, shall be
31 punished by imprisonment for not more than five (5) years and by a
32 fine of not more than Five Thousand Dollars (\$5,000.00).

33 (b) The provisions of this subsection shall not apply
34 to a motor vehicle scrap processor who, in the normal legal course
35 of business and in good faith, processes a motor vehicle or motor
36 vehicle part by crushing, compacting or other similar methods,
37 provided that any vehicle identification number has not been
38 removed from the motor vehicle or motor vehicle part prior to or
39 during any such processing.

40 (c) The provisions of this subsection shall not apply
41 to any owner or authorized possessor of a motor vehicle or motor
42 vehicle part which has been recovered by law enforcement
43 authorities after having been stolen or where the condition of the
44 vehicle identification number of the motor vehicle or motor
45 vehicle part is known to or has been reported to law enforcement
46 authorities. It shall be presumed that law enforcement
47 authorities have knowledge of all vehicle identification numbers
48 on a motor vehicle or motor vehicle part which are altered,
49 counterfeited, defaced, disguised, falsified, forged, obliterated
50 or removed when law enforcement authorities deliver or return the
51 motor vehicle or motor vehicle part to its owner or authorized
52 possessor after it has been recovered by law enforcement
53 authorities after having been reported stolen.

54 (4) Any person who is convicted of a second or subsequent
55 offense under this section shall be imprisoned for a term up to
56 twice the term authorized for a first offense and shall be fined
57 an amount up to twice the amount authorized for a first offense.

58 * * *

59 (5) (a) In addition to any other punishment, a person
60 convicted of a violation of this section shall be ordered to make
61 restitution to the lawful owner or owners of the stolen motor
62 vehicle or vehicles or the stolen motor vehicle part or parts, or
63 to the owner's insurer to the extent that the owner has been
64 compensated by the insurer, and to any other person for any

65 financial loss sustained as a result of a violation of this
66 section.

67 (b) Financial loss shall include, but not be limited
68 to, loss of earnings, out-of-pocket and other expenses, repair and
69 replacement costs and claims payments. "Lawful owner" shall
70 include an innocent bona fide purchaser for value of a stolen
71 motor vehicle or stolen motor vehicle part who does not know that
72 the motor vehicle or part is stolen; or an insurer to the extent
73 that such insurer has compensated a bona fide purchaser for value.

74 (c) The court shall determine the extent and method of
75 restitution. In an extraordinary case, the court may determine
76 that the best interests of the victim and justice would not be
77 served by ordering restitution. In any such case, the court shall
78 make and enter specific written findings on the record concerning
79 the extraordinary circumstances presented which militated against
80 restitution.

81 SECTION 2. (1) Any law enforcement officer shall have the
82 right to inspect any junkyard, scrap metal processing plant, motor
83 vehicle salvage yard, licensed motor vehicle dealers lot, motor
84 vehicle repair shop, parking lot open to the general public,
85 public garage, towing and storage facility or other establishment
86 dealing with salvaged motor vehicle parts.

87 (2) Such physical inspection shall be conducted during
88 normal business hours and shall be for the purpose of locating
89 stolen vehicles, investigating the titling and registration of
90 vehicles, inspecting vehicles wrecked or dismantled or inspecting
91 records.

92 SECTION 3. Section 2 of this act shall be codified as
93 Section 63-25-13, Mississippi Code of 1972.

94 SECTION 4. This act shall take effect and be in force from
95 and after July 1, 2000.