

By: Senator(s) Dearing

To: Judiciary

SENATE BILL NO. 2504

1 AN ACT TO AMEND SECTION 63-1-60, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PENALTY FOR FALSIFICATION OF A DRIVER'S LICENSE; TO
3 AMEND SECTION 45-35-13, MISSISSIPPI CODE OF 1972, TO REVISE THE
4 PENALTY FOR FALSIFICATION OF A NONDRIVER'S IDENTIFICATION CARD;
5 AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 63-1-60, Mississippi Code of 1972, is
8 amended as follows:

9 63-1-60. (1) It shall be unlawful for any person:

10 (a) To display, cause or permit to be displayed, or
11 have in his possession, any fictitious, fraudulently altered or
12 fraudulently obtained driver's license;

13 (b) To display or represent any driver's license not
14 issued to him as being his own driver's license;

15 (c) To photograph, photostat, duplicate or in any way
16 reproduce, manufacture, sell or distribute or alter any driver's
17 license, or facsimile thereof, in such a manner that it could be
18 mistaken for a valid driver's license;

19 (d) To display or have in his possession any
20 photograph, photostat, duplicate, reproduction or facsimile of a
21 driver's license unless authorized by law; or

22 (e) To take a driver's license examination for another
23 or to use any other name, other than his own, on the driver's
24 license application in an attempt to take the driver's license
25 examination for another.

26 (2) (a) Any person convicted of a violation of paragraph
27 (a), (b), (d) or (e) of subsection (1) of this section who was
28 under the age of twenty-one (21) at the time of the violation

29 shall be guilty of a misdemeanor and shall be punished by a fine
30 of not more than Five Hundred Dollars (\$500.00), or by
31 imprisonment for not more than thirty (30) days, or by both such
32 fine and imprisonment.

33 (b) Any person convicted of a violation of paragraph
34 (a), (b), (d) or (e) of subsection (1) of this section who was
35 twenty-one (21) years of age or older at the time of the violation
36 shall be guilty of a felony and shall be punished by a fine of not
37 more than Five Thousand Dollars (\$5,000.00), or by imprisonment
38 for not more than five (5) years, or by both such fine and
39 imprisonment.

40 (3) Any person convicted of a violation of paragraph (c) of
41 subsection (1) of this section shall be punished as follows:

42 (a) If the person was not more than twenty-one (21)
43 years of age at the time of the violation:

44 (i) A first offense shall be a misdemeanor
45 punishable by a fine of not more than Five Hundred Dollars
46 (\$500.00) or imprisonment for not more than six (6) months, or
47 both such fine and imprisonment.

48 (ii) A second offense shall be a misdemeanor
49 punishable by a fine of not less than One Thousand Dollars
50 (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) or by
51 imprisonment for not more than one (1) year, or both such fine and
52 imprisonment.

53 (iii) A third offense shall be a misdemeanor
54 punishable by a fine of not less than Five Thousand Dollars
55 (\$5,000.00) or by imprisonment for one (1) year or both such fine
56 and imprisonment.

57 (b) If the person was twenty-one (21) years of age or
58 older at the time of the violation, he shall be guilty of a felony
59 and shall be punished by a fine of not more than Ten Thousand
60 Dollars (\$10,000.00), or by imprisonment for not more than ten
61 (10) years, or by both such fine and imprisonment.

62 SECTION 2. Section 45-35-13, Mississippi Code of 1972, is
63 amended as follows:

64 45-35-13. (1) No person shall:

65 (a) Display, or cause or permit to be displayed, or
66 have in his possession, any cancelled, fictitious, fraudulently
67 altered or fraudulently obtained identification cards;

68 (b) Lend an identification card to any person or
69 knowingly permit the use thereof by another;

70 (c) Display or represent any identification card not
71 issued to him as being his card;

72 (d) Permit any unlawful use of an identification card
73 issued to him;

74 (e) Do any act forbidden or fail to perform any act
75 required by this chapter; or

76 (f) Photograph, photostat, duplicate or in any way
77 reproduce, manufacture, sell or distribute any identification card
78 or facsimile thereof so that it could be mistaken for a valid
79 identification card, or display or have in his possession any such
80 photograph, photostat, duplicate, reproduction or facsimile unless
81 authorized by the provisions of this chapter.

82 (2) (a) Any person convicted of a violation of any
83 provision of paragraphs (a) through (e) of subsection (1) of this
84 section who was under the age of twenty-one (21) at the time of
85 the violation is guilty of a misdemeanor and shall be punished by
86 a fine of not more than Five Hundred Dollars (\$500.00) or by
87 imprisonment for not more than thirty (30) days, or by both such
88 fine and imprisonment.

89 (b) Any person convicted of a violation of paragraphs
90 (a) through (e) of subsection (1) of this section who was
91 twenty-one (21) years of age or older at the time of the violation
92 shall be guilty of a felony and shall be punished by a fine of not
93 more than Five Thousand Dollars (\$5,000.00), or by imprisonment

94 for not more than five (5) years, or by both such fine and
95 imprisonment.

96 (3) Any person convicted of a violation of paragraph (f) of
97 subsection (1) of this section shall be punished as follows:

98 (a) If the person was not more than twenty-one (21)
99 years of age at the time of the violation:

100 (i) A first offense shall be a misdemeanor
101 punishable by a fine of not more than Five Hundred Dollars
102 (\$500.00) or imprisonment for not more than six (6) months, or
103 both such fine and imprisonment.

104 (ii) A second offense shall be a misdemeanor
105 punishable by a fine of not less than One Thousand Dollars
106 (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) or by
107 imprisonment for not more than one (1) year, or both such fine and
108 imprisonment.

109 (iii) A third offense shall be a misdemeanor
110 punishable by a fine of not less than Five Thousand Dollars
111 (\$5,000.00) or by imprisonment for one (1) year or both such fine
112 and imprisonment.

113 (b) If the person was twenty-one (21) years of age or
114 older at the time of the violation, he shall be guilty of a felony
115 and shall be punished by a fine of not more than Ten Thousand
116 Dollars (\$10,000.00), or by imprisonment for not more than ten
117 (10) years, or by both such fine and imprisonment.

118 SECTION 3. This act shall take effect and be in force from
119 and after July 1, 2001.