

By: Senator(s) Lee

To: Judiciary

SENATE BILL NO. 2848

1 AN ACT TO AMEND SECTION 97-3-82, MISSISSIPPI CODE OF 1972, TO
2 revise the element of extortion; AND FOR RELATED PURPOSES.

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

4 SECTION 1. Section 97-3-82, Mississippi Code of 1972, is
5 amended as follows:

6 97-3-82. (1) For the purposes of this section the following
7 words and phrases shall have the meanings ascribed herein, unless
8 the context clearly indicates otherwise:

9 (a) "Obtain" means: (i) in relation to property, to
10 bring about a transfer or purported transfer of a legal interest
11 in the property, whether to the obtainer or another; or (ii) in
12 relation to labor or service, to secure performance thereof.

13 (b) "Property" means anything of value, including real
14 estate, tangible and intangible personal property, contract
15 rights, choses-in-action and other interests in or claims to
16 wealth, admission or transportation tickets, captured or domestic
17 animals, food and drink, electric or other power.

18 (c) "Property of another" includes property in which
19 any person other than the actor has an interest which the actor is
20 not privileged to infringe, regardless of the fact that the actor
21 also has an interest in the property and regardless of the fact
22 that the other person might be precluded from civil recovery
23 because the property was used in an unlawful transaction or was
24 subject to forfeiture as contraband. Property in possession of
25 the actor shall not be deemed property of another who has only a
26 security interest therein, even if legal title is in the creditor

27 pursuant to a conditional sales contract or other security
28 agreement.

29 (2) A person is guilty of extortion if he purposely obtains
30 property or things of value of another by threatening to:

31 (a) Inflict bodily injury on anyone or commit any other
32 criminal offense;

33 (b) Accuse anyone of a criminal offense;

34 (c) Expose any secret tending to subject any person to
35 hatred, contempt or ridicule, or to impair his credit or business
36 repute;

37 (d) Testify or provide information or withhold
38 testimony or information with respect to another's legal claim or
39 defense; or

40 (e) Inflict any other harm which would not benefit the
41 person accused of extortion.

42 (3) (a) Any person who commits the offense of extortion of
43 property or things of value of another under the value of Two
44 Hundred Fifty Dollars (\$250.00) shall be guilty of a misdemeanor
45 and, upon conviction thereof, shall be punished by imprisonment in
46 the county jail not to exceed six (6) months.

47 (b) Any person who commits the offense of extortion of
48 property or things of value of another of the value of Two Hundred
49 Fifty Dollars (\$250.00) or more shall be guilty of a felony and,
50 upon conviction thereof, shall be punished by commitment to the
51 custody of the State Department of Corrections for a term not to
52 exceed fifteen (15) years.

53 SECTION 2. This act shall take effect and be in force from
54 and after July 1, 2001.