SENATE BILL NO. 2848

AN ACT TO AMEND SECTION 97-3-82, MISSISSIPPI CODE OF 1972, TO REVISE THE ELEMENT OF EXTORTION; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

(b) Accuse anyone of a criminal offense;

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

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

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

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

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

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