HOUSE BILL NO. 943

AN ACT TO AMEND SECTION 63-25-5, MISSISSIPPI CODE OF 1972, TO REVISE THE EXCEPTION TO THE CHOP SHOP LAW; AND FOR RELATED PURPOSES.

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

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

63-25-5. (1) Any person who knowingly and intentionally:
(a) owns, operates or conducts a chop shop; (b) transports any motor vehicle or motor vehicle part to or from a location knowing it to be a chop shop; or (c) sells, transfers, purchases or receives any motor vehicle or motor vehicle part either to or from a location knowing it to be a chop shop, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than fifteen (15) years and by a fine of not more than One Hundred Thousand Dollars ($100,000.00).

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

(3) (a) Any person who buys, disposes, sells, transfers or possesses a motor vehicle or motor vehicle part with the knowledge that the vehicle identification number of the motor vehicle or motor vehicle part has been altered, counterfeited, defaced,
destroyed, disguised, falsified, forged, obliterated or removed shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than five (5) years and by a fine of not more than Five Thousand Dollars ($5,000.00).

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

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

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

(5) No prosecution shall be brought and no person shall be convicted of any violation of this section where acts of the person, otherwise constituting a violation, were done in good faith in order to comply with the laws or regulations of any state.
or territory of the United States, or of the federal government of the United States. The provisions of Sections 63-25-1 through 63-25-11 and the penalties hereunder shall not apply to any person who has, prior to the act complained of, held a valid taxpayer identification number issued by the Mississippi State Tax Commission for a period of twenty-four (24) months prior thereto and who has continuously operated his business in the same location for the same period of time, nor shall violation of Sections 63-25-1 through 63-25-11 apply to any vehicle or vehicle part more than fifteen (15) years of age, unless the violation is willful and has involved five (5) or more vehicles in which case there shall be no age limitation.

(6) (a) In addition to any other punishment, a person convicted of a violation of this section shall be ordered to make restitution to the lawful owner or owners of the stolen motor vehicle or vehicles or the stolen motor vehicle part or parts, or to the owner's insurer to the extent that the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.

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

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.