To: Judiciary

MISSISSIPPI LEGISLATURE REGULAR SESSION 2002
By: Senator(s) Hamilton, Browning, Ross, Dearing

SENATE BILL NO. 2518

AN ACT TO CODIFY SECTION 97-27-10, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS; TO AMEND SECTION 97-27-11, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE INTRODUCTION OF HARMFUL BIOLOGICAL SUBSTANCES INTO MISSISSIPPI, TO PROHIBIT THE UNLAWFUL POSSESSION OF SUCH HARMFUL BIOLOGICAL SUBSTANCES, AND TO INCREASE THE PENALTIES ASSOCIATED WITH SUCH PROHIBITED ACTS; TO CODIFY SECTION 97-27-12, MISSISSIPPI CODE OF 1972, TO MAKE UNLAWFUL THE PERFORMING OF AN ACT INTENDED TO CAUSE A PERSON TO FALSELY BELIEVE THAT THE PERSON HAS BEEN EXPOSED TO A HARMFUL BIOLOGICAL, CHEMICAL OR RADIOLOGICAL SUBSTANCE OR DEVICE, TO PROVIDE CRIMINAL PENALTIES AND TO IMPOSE THE COSTS OF INDIVIDUAL AND GOVERNMENTAL RESPONSE TO SUCH UNLAWFUL ACTS; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 97-27-10, Mississippi Code of 1972:

97-27-10. As used in Sections 97-27-10 through 97-27-12:
(a) "Harmful biological substance" means a bacteria, virus or other microorganism or a toxic substance derived from or produced by an organism that can be used to cause death, injury or disease in humans, animals or plants.

(b) "Harmful biological device" means a device designed or intended to release a harmful biological substance.

(c) "Harmful chemical substance" means a solid, liquid, or gas that through its chemical or physical properties, along or in combination with one or more other chemical substances, can be used to cause death, injury or disease in humans, animals or plants.

(d) "Harmful chemical device" means a device that is designed or intended to release a harmful chemical substance.

(e) "Harmful radioactive material" means material that is radioactive and that can be used to cause death, injury or disease in humans, animals or growing plants by its radioactivity.
"Harmful radioactive device" means a device that is designed or intended to release a harmful radioactive material.

SECTION 2. Section 97-27-11, Mississippi Code of 1972, is amended as follows:

97-27-11. (1) It shall be unlawful for any person to willfully and knowingly import, bring or send into this state a harmful biological substance including smallpox, anthrax or any other contagious or infectious disease, with the design to unlawfully spread the same or assist in spreading the same with intent to cause harm to human, animal or plant life and it shall likewise be unlawful for any person to develop, manufacture or possess such harmful biological substances, except for purposes authorized by law.

(2) A person convicted of subsection (1) shall be guilty of a felony and, upon conviction, shall be fined not more than One Hundred Thousand Dollars ($100,000.00), and be imprisoned not more than twenty (20) years in the State Penitentiary, or both.

SECTION 3. The following shall be codified as Section 97-27-12, Mississippi Code of 1972:

97-27-12. (1) It shall be unlawful for any person to commit an act intended to cause another person or persons to falsely believe that said person or persons have been exposed to a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material or harmful radioactive device.

(2) Any person convicted of subsection (1) of this section shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment in the State Penitentiary for not more than five (5) years or shall be fined not more than Ten Thousand Dollars ($10,000.00), or both.

(3) In addition to any such imprisonment and/or fine which may be imposed upon a violation of subsection (1) of this section, the court shall also order that any person convicted for such
violation shall reimburse any individual or governmental agency for the expenses incurred as a result of the violation.

SECTION 4. This act shall take effect and be in force from and after its passage.