

By: Representative Blackmon

To: Judiciary B

HOUSE BILL NO. 1105

1 AN ACT TO AMEND SECTION 97-17-67, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE OFFENSE OF MALICIOUS MISCHIEF; TO INCORPORATE THE
3 DESTRUCTION OF CEMETERY PROPERTY AND HOUSES OF WORSHIP INTO
4 MALICIOUS MISCHIEF; TO REVISE PENALTIES; TO REPEAL SECTION
5 97-17-39, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS THE
6 DESTRUCTION OF CEMETERY PROPERTY; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 97-17-67, Mississippi Code of 1972, is
9 amended as follows:

10 97-17-67. (1) Every person who shall maliciously or
11 mischievously destroy, disfigure, or injure, or cause to be
12 destroyed, disfigured, or injured, any property of another, either
13 real or personal, shall be guilty of malicious mischief.

14 (2) If the value of the property destroyed, disfigured or
15 injured is Five Hundred Dollars (\$500.00) or less, it shall be a
16 misdemeanor punishable by a fine of not more than One Thousand
17 Dollars (\$1,000.00) or imprisonment not exceeding twelve (12)
18 months in the county jail, or both.

19 (3) If the value of the property destroyed, disfigured or
20 injured is in excess of Five Hundred Dollars (\$500.00), it shall
21 be a felony punishable by a fine not exceeding Ten Thousand
22 Dollars (\$10,000.00) or imprisonment in the Penitentiary not
23 exceeding five (5) years, or both.

24 (4) In all cases restitution to the victim for all damages
25 shall be ordered. The value of property destroyed, disfigured or
26 injured by the same party as part of a common crime against
27 multiple victims may be aggregated together and if the value
28 exceeds One Thousand Dollars (\$1,000.00), shall be a felony.



29 (5) Malicious mischief involving the destruction,
30 disfiguring or injury to public property, any house of worship or
31 cemeteries may be punished by twice the fine or term of
32 imprisonment.

33 (6) For purposes of this statute, value shall be the cost of
34 repair or replacement of the property damaged or destroyed.

35 (7) Anyone who by any word, deed or act directly or
36 indirectly urges, aids, abets, suggests or otherwise instills in
37 the mind of another the will to so act shall be considered a
38 principal in the commission of said crime and shall be punished in
39 the same manner.

40 **SECTION 2.** Section 97-17-39, Mississippi Code of 1972, which
41 prohibits the destruction of cemetery property, is repealed.

42 **SECTION 3.** This act shall take effect and be in force from
43 and after July 1, 2003.

