

By: Representative Blackmon

To: Judiciary B

HOUSE BILL NO. 1121

1 AN ACT TO REVISE THE THRESHOLD FOR PETIT AND GRAND LARCENY  
 2 AND SIMILAR CRIMES; TO AMEND SECTION 97-17-41, MISSISSIPPI CODE OF  
 3 1972, TO REVISE THE VALUE AND PENALTIES FOR GRAND LARCENY; TO  
 4 AMEND SECTION 97-17-42, MISSISSIPPI CODE OF 1972, TO REVISE  
 5 LARCENY OF MOTOR VEHICLES; TO AMEND SECTION 97-17-43, MISSISSIPPI  
 6 CODE OF 1972, TO REVISE THE VALUE AND PENALTIES FOR PETIT LARCENY;  
 7 TO AMEND SECTION 97-17-70, MISSISSIPPI CODE OF 1972, TO REVISE THE  
 8 VALUE AND PENALTIES FOR RECEIVING STOLEN PROPERTY; TO AMEND  
 9 SECTION 97-19-39, MISSISSIPPI CODE OF 1972, TO CONFORM FALSE  
 10 PRETENSE TO SUCH VALUE AND PENALTIES; TO AMEND SECTION 97-21-33,  
 11 MISSISSIPPI CODE OF 1972, TO CONFORM FORGERY TO SUCH VALUE AND  
 12 PENALTIES; TO AMEND SECTION 97-23-19, MISSISSIPPI CODE OF 1972, TO  
 13 CONFORM EMBEZZLEMENT TO SUCH VALUE AND PENALTIES; TO AMEND SECTION  
 14 97-23-93, MISSISSIPPI CODE OF 1972, TO REVISE THE VALUE AND  
 15 PENALTIES FOR SHOPLIFTING; TO REPEAL SECTION 99-19-17, MISSISSIPPI  
 16 CODE OF 1972, WHICH PROVIDES FOR SENTENCING FOR EMBEZZLEMENT BASED  
 17 ON THE VALUE OF THE PROPERTY AS PETIT LARCENY; AND FOR RELATED  
 18 PURPOSES.

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

20 **SECTION 1.** Section 97-17-41, Mississippi Code of 1972, is  
21 amended as follows:

22 97-17-41. (1) \* \* \* Every person who shall be convicted of  
 23 taking and carrying away, feloniously, the personal property of  
 24 another, of the value of Five Hundred Dollars (\$500.00) or more,  
 25 shall be guilty of grand larceny, and shall be imprisoned in the  
 26 Penitentiary for a term not exceeding ten (10) years; or shall be  
 27 fined not more than Ten Thousand Dollars (\$10,000.00), or both.

28 (2) Every person who shall be convicted of taking and  
 29 carrying away, feloniously, the property of a church, synagogue,  
 30 temple or other established place of worship, of the value of Five  
 31 Hundred Dollars (\$500.00) or more, shall be guilty of grand  
 32 larceny, and shall be imprisoned in the Penitentiary for a term  
 33 not exceeding ten (10) years, or shall be fined not more than Ten  
 34 Thousand Dollars (\$10,000.00), or both.

35 \* \* \*



36           **SECTION 2.** Section 97-17-42, Mississippi Code of 1972, is  
37 amended as follows:

38           97-17-42. (1) Any person who shall, willfully and without  
39 authority, take possession of or take away a motor vehicle  
40 belonging to another, and any person who knowingly shall aid and  
41 abet in such taking possession or taking away, shall be guilty of  
42 a felony and shall be punished by commitment to the Department of  
43 Corrections for not more than five (5) years.

44           (2) Any person convicted under this section who causes  
45 damage to any motor vehicle shall be ordered by the court to pay  
46 restitution to the owner or owners of any such motor vehicle.

47           (3) This section shall not apply to the enforcement of a  
48 security interest in a motor vehicle.

49           (4) Any person who shall be convicted for a second or  
50 subsequent offense of taking and carrying away, feloniously, a  
51 motor vehicle which is the personal property of another, of any  
52 value, shall be guilty of grand larceny, and shall be imprisoned  
53 in the Penitentiary for a term not exceeding ten (10) years or  
54 shall be fined not more than Ten Thousand Dollars (\$10,000.00), or  
55 both.

56           (5) The court shall order any person convicted under this  
57 section who causes damages to any motor vehicle to pay restitution  
58 to the owner or owners of any such motor vehicle.

59           **SECTION 3.** Section 97-17-43, Mississippi Code of 1972, is  
60 amended as follows:

61           97-17-43. (1) If any person shall feloniously take, steal  
62 and carry away any personal property of another under the value of  
63 Five Hundred Dollars (\$500.00), he shall be guilty of petit  
64 larceny and, upon conviction, shall be punished by imprisonment in  
65 the county jail not exceeding six (6) months or by fine not  
66 exceeding One Thousand Dollars (\$1,000.00), or both.

67           (2) If any person shall feloniously take, steal and carry  
68 away any property of a church, synagogue, temple or other



69 established place of worship under the value of Five Hundred  
70 Dollars (\$500.00), he shall be guilty of petit larceny and, upon  
71 conviction, shall be punished by imprisonment in the county jail  
72 not exceeding one (1) year or by fine not exceeding Two Thousand  
73 Dollars (\$2,000.00), or both.

74 (3) Any person who leaves the premises of an establishment  
75 at which motor fuel offered for retail sale was dispensed into the  
76 fuel tank of a motor vehicle by driving away in that motor vehicle  
77 without having made due payment or authorized charge for the motor  
78 fuel so dispensed, with intent to defraud the retail  
79 establishment, shall be guilty of petit larceny and punished as  
80 provided in subsection (1) of this section and, upon any second or  
81 subsequent such offense, the driver's license of the person shall  
82 be suspended as follows:

83 (a) The person shall submit the driver's license to the  
84 court upon conviction and the court shall forward the driver's  
85 license to the Department of Public Safety.

86 (b) The first suspension of a drivers's license under  
87 this subsection shall be for a period of six (6) months.

88 (c) A second or subsequent suspension of a driver's  
89 license under this subsection shall be for a period of one (1)  
90 year.

91 (d) At the expiration of the suspension period, and  
92 upon payment of a restoration fee of Twenty-five Dollars (\$25.00),  
93 the suspension shall terminate and the Department of Public Safety  
94 shall return the person's driver's license to the person. The  
95 restoration fee shall be in addition to the fees provided for in  
96 Title 63, Chapter 1, and shall be deposited into the State General  
97 Fund in accordance with Section 45-1-23.

98 **SECTION 4.** Section 97-17-70, Mississippi Code of 1972, is  
99 amended as follows:

100 97-17-70. (1) A person commits the crime of receiving  
101 stolen property if he intentionally possesses, receives, retains



102 or disposes of stolen property knowing that it has been stolen or  
103 having reasonable grounds to believe it has been stolen, unless  
104 the property is possessed, received, retained or disposed of with  
105 intent to restore it to the owner.

106 (2) The fact that the person who stole the property has not  
107 been convicted, apprehended or identified is not a defense to a  
108 charge of receiving stolen property.

109 (3) Any person who shall be convicted of receiving stolen  
110 property which exceeds Five Hundred Dollars (\$500.00) in value  
111 shall be committed to the custody of the State Department of  
112 Corrections for a term not exceeding ten (10) years or by a fine  
113 of not more than Ten Thousand Dollars (\$10,000.00), or both.

114 (4) Any person who shall be convicted of receiving stolen  
115 property which does not exceed Five Hundred Dollars (\$500.00) in  
116 value shall be punished by imprisonment for not more than six (6)  
117 months or by a fine of not more than One Thousand Dollars  
118 (\$1,000.00), or both.

119 **SECTION 5.** Section 97-19-39, Mississippi Code of 1972, is  
120 amended as follows:

121 97-19-39. (1) Every person who, with intent to cheat or  
122 defraud another, shall designedly, by color of any false token or  
123 writing, or by another false pretense, obtain the signature of any  
124 person to any written instrument, or obtain from any person any  
125 money, personal property, or valuable thing, with a value of less  
126 than Five Hundred Dollars (\$500.00), upon conviction thereof,  
127 shall be guilty of a misdemeanor and punished by  
128 imprisonment \* \* \* in the county jail not exceeding six (6)  
129 months, and by fine not exceeding One Thousand Dollars  
130 (\$1,000.00).

131 (2) Every person, who with intent to cheat or defraud  
132 another, shall designedly, by color of any false token or writing,  
133 or by another false pretense, obtain the signature of any person  
134 to any written instrument, or obtain from any person any money,



135 personal property, or valuable thing, with a value of Five Hundred  
136 Dollars (\$500.00) or more, upon conviction thereof shall be guilty  
137 of a felony and punished by imprisonment in the State Penitentiary  
138 not exceeding ten (10) years, and by a fine not exceeding Ten  
139 Thousand Dollars (\$10,000.00).

140       **SECTION 6.** Section 97-21-33, Mississippi Code of 1972, is  
141 amended as follows:

142       97-21-33. Persons convicted of forgery shall be punished by  
143 imprisonment in the Penitentiary for a term of not less than two  
144 (2) years nor more than ten (10) years, or by a fine of not more  
145 than Ten Thousand Dollars (\$10,000.00), or both; provided,  
146 however, that when the amount of value involved is less than Five  
147 Hundred Dollars (\$500.00) in lieu of the punishment above provided  
148 for, the person convicted may be punished by imprisonment in the  
149 county jail for a term of not more than six (6) months, or by a  
150 fine of not more than One Thousand Dollars (\$1,000.00), or both,  
151 within the discretion of the court.

152       **SECTION 7.** Section 97-23-19, Mississippi Code of 1972, is  
153 amended as follows:

154       97-23-19. If any director, agent, clerk, servant, or officer  
155 of any incorporated company, or if any trustee or factor, carrier  
156 or bailee, or any clerk, agent or servant of any private person,  
157 shall embezzle or fraudulently secrete, conceal, or convert to his  
158 own use, or make way with, or secrete with intent to embezzle or  
159 convert to his own use, any goods, rights in action, money, or  
160 other valuable security, effects, or property of any kind or  
161 description which shall have come or been intrusted to his care or  
162 possession by virtue of his office, place, or employment, either  
163 in mass or otherwise, with a value of Five Hundred Dollars  
164 (\$500.00) or more, he shall be guilty of felony embezzlement, and,  
165 upon conviction thereof, shall be imprisoned in the Penitentiary  
166 not more than ten (10) years, or fined not more than Ten Thousand  
167 Dollars (\$10,000.00), or both. If the value of such goods, rights



168 in action, money or other valuable security, effects, or property  
169 of any kind is less than Five Hundred Dollars (\$500.00), he shall  
170 be guilty of misdemeanor embezzlement, and, upon conviction  
171 thereof, shall be imprisoned in the county jail not more than six  
172 (6) months, or fined not more than One Thousand Dollars  
173 (\$1,000.00), or both.

174       **SECTION 8.** Section 97-23-93, Mississippi Code of 1972, is  
175 amended as follows:

176       97-23-93. (1) Any person who shall wilfully and unlawfully  
177 take possession of any merchandise owned or held by and offered or  
178 displayed for sale by any merchant, store or other mercantile  
179 establishment with the intention and purpose of converting such  
180 merchandise to his own use without paying the merchant's stated  
181 price therefor shall be guilty of the crime of shoplifting and,  
182 upon conviction, shall be punished as is provided in this section.

183       (2) The requisite intention to convert merchandise without  
184 paying the merchant's stated price for the merchandise is  
185 presumed, and shall be prima facie evidence thereof, when such  
186 person, alone or in concert with another person, wilfully:

187           (a) Conceals the unpurchased merchandise;

188           (b) Removes or causes the removal of unpurchased  
189 merchandise from a store or other mercantile establishment;

190           (c) Alters, transfers or removes any price-marking, any  
191 other marking which aids in determining value affixed to the  
192 unpurchased merchandise, or any tag or device used in electronic  
193 surveillance of unpurchased merchandise;

194           (d) Transfers the unpurchased merchandise from one  
195 container to another; or

196           (e) Causes the cash register or other sales recording  
197 device to reflect less than the merchant's stated price for the  
198 unpurchased merchandise.

199       (3) Evidence of stated price or ownership of merchandise may  
200 include, but is not limited to:



201 (a) The actual merchandise or the container which held  
202 the merchandise alleged to have been shoplifted; or

203 (b) The content of the price tag or marking from such  
204 merchandise; or

205 (c) Properly identified photographs of such  
206 merchandise.

207 (4) Any merchant or his agent or employee may testify at a  
208 trial as to the stated price or ownership of merchandise.

209 (5) A person convicted of shoplifting merchandise for which  
210 the merchant's stated price is less than or equal to Five Hundred  
211 Dollars (\$500.00) shall be punished as follows:

212 (a) Upon a first shoplifting conviction the defendant  
213 shall be guilty of a misdemeanor and fined not more than One  
214 Thousand Dollars (\$1,000.00), or punished by imprisonment not to  
215 exceed six (6) months, or by both such fine and imprisonment.

216 (b) Upon a second shoplifting conviction the defendant  
217 shall be guilty of a misdemeanor and fined not more than One  
218 Thousand Dollars (\$1,000.00) or punished by imprisonment not to  
219 exceed six (6) months, or by both such fine and imprisonment.

220 (6) Upon a third or subsequent shoplifting conviction the  
221 defendant shall be guilty of a felony and fined not more than Five  
222 Thousand Dollars (\$5,000.00), or imprisoned for a term not  
223 exceeding five (5) years, or by both such fine and imprisonment.

224 (7) A person convicted of shoplifting merchandise for which  
225 the merchant's stated price exceeds Five Hundred Dollars (\$500.00)  
226 shall be guilty of a felony and, upon conviction, punished as  
227 provided in Section 97-17-41 for the offense of grand larceny.

228 (8) In determining the number of prior shoplifting  
229 convictions for purposes of imposing punishment under this  
230 section, the court shall disregard all such convictions occurring  
231 more than seven (7) years prior to the shoplifting offense in  
232 question.



233           **SECTION 9.** Section 99-19-17, Mississippi Code of 1972, which  
234 provides for sentencing for embezzlement based on the value of the  
235 property as petit larceny, is repealed.

236           **SECTION 10.** This act shall take effect and be in force from  
237 and after July 1, 2003.

