SENATE BILL NO. 2654

AN ACT TO AMEND SECTION 27-3-79, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE TAX COMMISSION TO IMPLEMENT A TAX AMNESTY PROGRAM THAT SHALL COMMENCE ON SEPTEMBER 1, 2003, AND END ON NOVEMBER 30, 2003; TO PROVIDE THAT THE PROGRAM SHALL APPLY TO ALL TAXES WHICH ARE REQUIRED TO BE COLLECTED BY THE STATE TAX COMMISSION AND WHICH WERE FIRST DUE AND PAYABLE IN ANY YEAR PRIOR TO 2003; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 27-3-79, Mississippi Code of 1972, is amended as follows:

27-3-79. (1) The State Tax Commission shall develop and implement a tax amnesty program in accordance with the provisions herein contained. The program shall commence on September 1, 2003, and end on November 30, 2003. The program shall apply to all taxes which are required to be collected by the State Tax Commission or Commissioner and which were first due and payable in any year prior to 2003. Tax amnesty shall be available to any individuals or corporations who are liable for such taxes and who have failed to pay all or any portion of their taxes, failed to file returns or filed inaccurate returns; however, tax amnesty shall not be available to individuals or corporations subject to tax-related criminal investigations or prosecution, or where the taxes have been previously assessed by the commission, or to estimated tax payments required to be made under Section 27-7-319. All civil and criminal penalties for nonpayment of taxes, including the penalties set forth in subsection (2) of this section, shall be waived for any eligible individual or corporation who, during the tax amnesty period, makes total payment of the taxes due. The State Tax Commission is authorized
to do all things necessary to carry out the tax amnesty programs which are not inconsistent with this section.

(2) Any person eligible for the tax amnesty program and who fails to make total payment of the taxes due during the tax amnesty period or any person who, after July 1, 2003, willfully attempts in any manner to evade or defeat any tax imposed by the State Tax Commission, or assists in the evading of such tax or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than One Hundred Thousand Dollars ($100,000.00) and, in the case of a corporation, not more than Five Hundred Thousand Dollars ($500,000.00), or imprisoned not more than five (5) years, or both.

(3) Any prosecutions for tax evasion as described in this section shall be commenced within six (6) years next after the statutory due date for the taxes in issue.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.