

By: Representative McBride

To: Judiciary B

HOUSE BILL NO. 1439

1 AN ACT TO AMEND SECTION 97-3-82, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE OFFENSE OF EXTORTION; AND FOR RELATED PURPOSES.

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

4 **SECTION 1.** Section 97-3-82, Mississippi Code of 1972, is  
5 amended as follows:

6 97-3-82. (1) For the purposes of this section the following  
7 words and phrases shall have the meanings ascribed herein, unless  
8 the context clearly indicates otherwise:

9 (a) "Obtain" means: (i) in relation to property, to  
10 bring about a transfer or purported transfer of a legal interest  
11 in or physical possession of the property, whether to the obtainer  
12 or another; or (ii) in relation to labor or service, to secure  
13 performance thereof; or attempt to do (i) or (ii).

14 (b) "Property" means anything of value, including, but  
15 not limited to, real estate, tangible and intangible personal  
16 property, contract rights, choses-in-action, reputation of a  
17 person and other interests in or claims to wealth, admission or  
18 transportation tickets, captured or domestic animals, food and  
19 drink, electric or other power.

20 (c) "Property of another" includes property in which  
21 any person other than the actor has an interest which the actor is  
22 not privileged to infringe, regardless of the fact that the actor  
23 also has an interest in the property and regardless of the fact  
24 that the other person might be precluded from civil recovery  
25 because the property was used in an unlawful transaction or was  
26 subject to forfeiture as contraband. Property in possession of  
27 the actor shall not be deemed property of another who has only a

28 security interest therein, even if legal title is in the creditor  
29 pursuant to a conditional sales contract or other security  
30 agreement.

31 (d) "Public official" means any person elected or  
32 appointed to any office, position or employment whereby he or she  
33 is paid a fee and/or salary by the State of Mississippi and/or any  
34 political subdivision thereof and/or any agency or subdivision of  
35 the government of the United States, regardless of the source of  
36 the funds for such payment.

37 (2) A person is guilty of extortion if he purposely obtains  
38 or attempts to obtain property \* \* \* of another or any other  
39 reward, favor or advantage of any kind by threatening to inflict  
40 bodily injury on any person or by committing or threatening to  
41 commit any other act not authorized by law including, but not  
42 limited to, violations of criminal or civil statutes and public or  
43 private revelation of information not previously in the public  
44 domain for the purpose of humiliating and/or embarrassing the  
45 offended party, whether or not such revelation constitutes a  
46 violation of a specific statute.

47 (3) (a) Any person, other than a public official, who  
48 commits the offense of extortion of property \* \* \* of a value of  
49 less than Five Hundred Dollars (\$500.00) shall be guilty of a  
50 misdemeanor and, upon conviction thereof, shall be punished by  
51 imprisonment in the county jail not to exceed six (6) months.

52 (b) Any person, other than a public official, who  
53 commits the offense of extortion of property \* \* \* of a value of  
54 Five Hundred Dollars (\$500.00) or more shall be guilty of a felony  
55 and, upon conviction thereof, shall be punished by commitment to  
56 the custody of the State Department of Corrections for a term not  
57 to exceed fifteen (15) years.

58 (c) Any public official who commits the offense of  
59 extortion of tangible property, regardless of the value of such  
60 property, shall be guilty of a felony and, upon conviction

61 thereof, shall be punished by commitment to the Department of  
62 Corrections for a term of not less than two (2) years nor more  
63 than twenty (20) years.

64 (d) Any person who commits the offense of extortion in  
65 order to obtain any intangible reward, favor and/or advantage to  
66 which no monetary value is normally given shall be guilty of a  
67 felony and shall be punished as provided in subsection (3)(b) of  
68 this section if such person is not a public official or as  
69 provided in subsection (3)(c) of this section if such person is a  
70 public official.

71 **SECTION 2.** This act shall take effect and be in force from  
72 and after July 1, 2004.