

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2702

1 AN ACT TO AMEND SECTION 97-3-82, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITIONS OF "OBTAIN" AND "PROPERTY" AND TO ENACT A
3 DEFINITION FOR "PUBLIC OFFICIAL"; TO INCLUDE EXTORTION TO OBTAIN A
4 REWARD, FAVOR OR ADVANTAGE IN THE OFFENSE; TO REVISE PENALTIES;
5 AND FOR RELATED PURPOSES.

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

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

9 97-3-82. (1) For the purposes of this section the following
10 words and phrases shall have the meanings ascribed herein, unless
11 the context clearly indicates otherwise:

12 (a) "Obtain" means: (i) in relation to property, to
13 bring about a transfer or purported transfer of a legal interest
14 in, or physical possession of, the property, whether to the
15 obtainer or another; or (ii) in relation to labor or service, or
16 any reward, favor, or advantage of any kind, to secure performance
17 thereof; or attempt to do (i) or (ii).

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

24 (c) "Property of another" includes property in which
25 any person other than the actor has an interest which the actor is
26 not privileged to infringe, regardless of the fact that the actor
27 also has an interest in the property and regardless of the fact
28 that the other person might be precluded from civil recovery

29 because the property was used in an unlawful transaction or was
30 subject to forfeiture as contraband. Property in possession of
31 the actor shall not be deemed property of another who has only a
32 security interest therein, even if legal title is in the creditor
33 pursuant to a conditional sales contract or other security
34 agreement.

35 (d) "Public official" means any person elected or
36 appointed to any office, position, or employment whereby the
37 person is paid a fee or salary by the State of Mississippi or any
38 political subdivision thereof or any agency or subdivision of the
39 government of the United States, regardless of the source or
40 sources of the funds for the payment.

41 (2) A person is guilty of extortion if he purposely obtains
42 or attempts to obtain property * * * of another or any reward,
43 favor, or advantage of any kind by threatening to inflict bodily
44 injury on any person or by committing or threatening to commit any
45 other criminal offense, violation of civil statute, or the public
46 or private revelation of information not previously in the public
47 domain for the purpose of humiliating or embarrassing the other
48 person, without regard to whether the revelation otherwise
49 constitutes a violation of a specific statute.

50 (3) (a) Any person, other than a public official, who
51 commits the offense of extortion of property or things of value of
52 another under the value of Five Hundred Dollars (\$500.00) shall be
53 guilty of a misdemeanor and, upon conviction thereof, shall be
54 punished by imprisonment in the county jail not to exceed six (6)
55 months.

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

62 (c) Any public official who commits the offense of
63 extortion of tangible property, regardless of the value of the
64 property, shall be guilty of a felony and, upon conviction
65 thereof, shall be punished by commitment to the Department of
66 Corrections for a term not less than two (2) nor more than twenty
67 (20) years.

68 (d) Any person, other than a public official, who
69 commits the offense of extortion in order to obtain any intangible
70 reward, favor or advantage to which no monetary value is normally
71 given shall be guilty of a felony and, upon conviction thereof,
72 shall be punished by commitment to the custody of the Department
73 of Corrections for a term not to exceed fifteen (15) years.

74 (e) Any public official who commits the offense of
75 extortion in order to obtain any intangible reward, favor or
76 advantage to which no monetary value is normally given shall be
77 guilty of a felony and, upon conviction thereof, shall be punished
78 by commitment to the Department of Corrections for a term not less
79 than two (2) nor more than twenty (20) years.

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