

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2546

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 person  
37 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) Except as provided in paragraph (d) of this  
51 subsection (3), any person, whether a public official or not, who  
52 commits the offense of extortion of property or things of value of  
53 another under the value of Five Hundred Dollars (\$500.00) shall be  
54 guilty of a misdemeanor and, upon conviction thereof, shall be  
55 punished by imprisonment in the county jail not to exceed six (6)  
56 months.

57 (b) Except as provided in paragraph (d) of this  
58 subsection (3), any person, whether a public official or not, who  
59 commits the offense of extortion of property or things of value of  
60 another of the value of Five Hundred Dollars (\$500.00) or more  
61 shall be guilty of a felony and, upon conviction thereof, shall be

62 punished by commitment to the custody of the Department of  
63 Corrections for a term not to exceed fifteen (15) years.

64 (c) Except as provided in paragraph (d) of this  
65 subsection (3), any person, whether a public official or not, who  
66 commits the offense of extortion in order to obtain any intangible  
67 reward, favor or advantage to which no monetary value is normally  
68 given shall be guilty of a felony and, upon conviction thereof,  
69 shall be punished by commitment to the custody of the Department  
70 of Corrections for a term not to exceed fifteen (15) years.

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

80 **SECTION 2.** This act shall take effect and be in force from  
81 and after July 1, 2005.