

By: Senator(s) Tollison

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
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; TO
5 AMEND SECTION 97-11-33, MISSISSIPPI CODE OF 1972, TO CREATE THE
6 CRIME OF ACCEPTING ANYTHING OF VALUE FROM A BAIL AGENT FOR CERTAIN
7 EMPLOYEES AND OFFICIALS OF THE LAW ENFORCEMENT AND JUSTICE
8 SYSTEMS; AND FOR RELATED PURPOSES.

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

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

12 97-3-82. (1) For the purposes of this section the following
13 words and phrases shall have the meanings ascribed herein, unless
14 the context clearly indicates otherwise:

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

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

27 (c) "Property of another" includes property in which
28 any person other than the actor has an interest which the actor is
29 not privileged to infringe, regardless of the fact that the actor
30 also has an interest in the property and regardless of the fact

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

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

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

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

60 (b) Except as provided in paragraph (d) of this
61 subsection, any person, whether a public official or not, who
62 commits the offense of extortion of property or things of value of
63 another of the value of Five Hundred Dollars (\$500.00) or more

64 shall be guilty of a felony and, upon conviction thereof, shall be
65 punished by commitment to the custody of the Department of
66 Corrections for a term not to exceed fifteen (15) years.

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

83 **SECTION 2.** Section 97-11-33, Mississippi Code of 1972, is
84 amended as follows:

85 97-11-33. (1) If any judge, justice court judge, sheriff,
86 deputy sheriff, sheriff's employee, constable, assessor,
87 collector, clerk, county medical examiner, county medical examiner
88 investigator, employee of the Mississippi Department of
89 Corrections, employee of any contractor providing incarceration
90 services or any other officer, shall knowingly demand, take or
91 collect, under color of his office, any money fee or reward
92 whatever, not authorized by law, or shall demand and receive,
93 knowingly, any fee for service not actually performed, such
94 officer, so offending, shall be guilty of extortion, and, on
95 conviction, shall be punished by fine not exceeding Five Thousand

96 Dollars (\$5,000.00), or imprisonment for not more than five (5)
97 years, or both, and shall be removed from office.

98 (2) Any jailer, law enforcement officer, employee of a law
99 enforcement agency or court, employee or agent of an independent
100 contractor of a law enforcement agency or court, or any trusty or
101 inmate who takes anything of value from a bail agent or a person
102 impersonating a bail agent, other than things provided uniformly
103 to all persons similarly employed, shall be guilty of extortion
104 and punished as provided in subsection (1) of this section.

105 **SECTION 3.** This act shall take effect and be in force from
106 and after July 1, 2005.