

By: Representatives Janus, Bentz

To: Judiciary B

HOUSE BILL NO. 762

1 AN ACT TO AMEND SECTIONS 97-37-21 AND 97-37-25, MISSISSIPPI
2 CODE OF 1972, TO INCLUDE HOAX BOMBS IN THE LAW REGARDING THE
3 REPORTING AND PLACING OF BOMBS AND EXPLOSIVES; TO DEFINE "HOAX
4 BOMB"; TO AUTHORIZE RESTITUTION TO BE REQUIRED OF VIOLATORS OF
5 THIS ACT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 97-37-21, Mississippi Code of 1972, is
8 amended as follows:

9 97-37-21. It shall be unlawful for any person to report to
10 another by any means, including telephone, mail, e-mail, mobile
11 phone, fax or any means of communication, that a bomb or other
12 explosive or chemical, biological or other weapons of mass
13 destruction, including any hoax bomb, has been, or is to be,
14 placed or secreted in any public or private place, knowing that
15 such report is false. Any person who shall be convicted of a
16 violation of this section shall be fined not more than Ten
17 Thousand Dollars (\$10,000.00) or shall be committed to the custody
18 of the Department of Corrections for not more than ten (10) years,
19 or both.

20 **SECTION 2.** Section 97-37-25, Mississippi Code of 1972, is
21 amended as follows:

22 97-37-25. It shall be unlawful for any person at any time to
23 bomb, or to plant or place any bomb, or other explosive matter or
24 chemical, biological or other weapons of mass destruction or thing
25 or hoax bomb, in, upon or near any building, residence, ship,
26 vessel, boat, railroad station, railroad car or coach, bus
27 station, or depot, bus, truck, aircraft, or other vehicle, gas and
28 oil stations and pipelines, radio station or radio equipment or

29 other means of communication, warehouse or any electric plant or
30 water plant, telephone exchange or any of the lines belonging
31 thereto, wherein a person or persons are located or being
32 transported, or where there is being manufactured, stored,
33 assembled or shipped or in the preparation of shipment any goods,
34 wares, merchandise or anything of value, with the felonious intent
35 to hurt or harm any person or property, and upon conviction
36 thereof shall be imprisoned for life in the State Penitentiary if
37 the penalty is so fixed by the jury; and in cases where the jury
38 fails to fix the penalty at imprisonment for life in the State
39 Penitentiary the court shall fix the penalty at imprisonment in
40 the State Penitentiary for any term as the court, in its
41 discretion, may determine, but not to be less than five (5) years.

42 **SECTION 3.** (1) For the purpose of Sections 97-37-21,
43 97-37-25 and this section "hoax bomb" means any device or object
44 that by its design, construction, content or characteristics
45 appears to be, or to contain, or is represented to be or to
46 contain, a destructive device or explosive, but is, in fact, an
47 inoperative facsimile or imitation of such a destructive device or
48 explosive, or contains no destructive device or explosive as was
49 represented.

50 (2) This act does not apply to any law enforcement officer,
51 firefighter, person or member of the Armed Forces of the United
52 States while engaged in training or other lawful activity within
53 the scope of his or her employment, or to any person properly
54 authorized to test a security system, or to any security
55 personnel, while operating within the scope of their employment,
56 including, but not limited to, security personnel in airports and
57 other controlled access areas.

58 (3) In addition to any other penalty provided by law with
59 respect to any person who is convicted of a violation of this act
60 that resulted in the mobilization or action of any law enforcement
61 officer or any state or local agency, a person convicted of a

62 violation of this section may be required by the court to pay
63 restitution for all of the costs and damages arising from the
64 criminal conduct.

65 **SECTION 4.** This act shall take effect and be in force from
66 and after July 1, 2006.