

By: Senator(s) Gollott, Jackson (11th)

To: Judiciary, Division B

SENATE BILL NO. 2828

1 AN ACT TO AMEND SECTION 75-24-25, MISSISSIPPI CODE OF 1972,
2 TO REVISE PENALTY PROVISIONS REGARDING PRICE GOUGING; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 75-24-25, Mississippi Code of 1972, is
6 amended as follows:

7 75-24-25. (1) For the purposes of this section, the
8 following terms shall have the meanings herein ascribed:

9 (a) "Person" means a natural person, corporation,
10 trust, partnership, incorporated or unincorporated association, or
11 any other legal entity.

12 (b) "State of emergency" means the duly proclaimed
13 existence of conditions of disaster or extreme peril to the safety
14 of persons or property within the state caused by air or water
15 pollution, fire, flood, storm, epidemic, earthquake, hurricane,
16 resource shortages or other natural or man-made conditions other
17 than conditions causing a "state of war emergency," which
18 conditions by reasons of their magnitude are or are likely to be
19 beyond the control of the services, personnel, equipment and
20 facilities of any single county and/or municipality and require
21 combined forces of the state to combat.

22 (c) "Local emergency" means the duly proclaimed
23 existence of conditions of disaster or extreme peril to the safety
24 of persons and property within the territorial limits of a county
25 and/or municipality caused by such conditions as air or water
26 pollution, fire, flood, storm, epidemic, earthquake, hurricane,
27 resource shortages or other natural or man-made conditions, which

28 conditions are or are likely to be beyond the control of the
29 services, personnel, equipment and facilities of the political
30 subdivision and require the combined forces of other subdivisions
31 or of the state to combat.

32 (d) "Value received" means the consideration or payment
33 given for the purchase of goods and services.

34 (2) Whenever, under the Mississippi Emergency Management
35 Law, Sections 33-15-1 through 33-15-49, a state of emergency or a
36 local emergency is declared to exist in this state, then the value
37 received for all goods and services sold within the state shall
38 not exceed the prices ordinarily charged for comparable goods or
39 services in the same market area at or immediately before the
40 declaration of a state of emergency or local emergency. However,
41 the value received may include: any expenses, the cost of the
42 goods and services which are necessarily incurred in procuring
43 such goods and services during a state of emergency or local
44 emergency. The prices ordinarily charged for comparable goods or
45 services in the same market area do not include temporarily
46 discounted goods or services. The same market area does not
47 necessarily mean a single provider of goods or services.

48 (3) Any person who knowingly and willfully violates
49 subsection (2) of this section, when the total value * * *
50 received during a twenty-four-hour period is Five Hundred Dollars
51 (\$500.00) or more, shall be guilty of a felony and upon conviction
52 shall be punished by confinement for a term of not less than one
53 (1) year nor more than five (5) years or a fine of not more than
54 Five Thousand Dollars (\$5,000.00), or both.

55 (4) Any person who knowingly and willfully violates
56 subsection (2) of this section, when the total value * * *
57 received during a twenty-four-hour period is less than Five
58 Hundred Dollars (\$500.00), shall be guilty of a misdemeanor and
59 upon conviction shall be fined not more than One Thousand Dollars

60 (\$1,000.00) or by imprisonment in the county jail for a term not
61 to exceed six (6) months, or both.

62 (5) For the purpose of determining the punishment to be
63 imposed under subsections (3) and (4) of this section, the value
64 received during a twenty-four-hour period shall be aggregated.

65 (6) In addition to the criminal penalties prescribed in
66 subsections (3) and (4), any knowing and willful violation of
67 subsection (2) of this section shall be considered an unfair or
68 deceptive trade practice subject to and governed by all the
69 procedures and remedies available under the provisions of this
70 chapter for enforcement of prohibited acts and practices contained
71 therein.

72 **SECTION 2.** This act shall take effect and be in force from
73 and after July 1, 2006.