

By: Representative Smith (39th)

To: Judiciary B

HOUSE BILL NO. 662

1 AN ACT TO AMEND SECTION 97-1-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE CONSPIRACY TO INCLUDE LAW ENFORCEMENT OFFICERS; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-1-1, Mississippi Code of 1972, is
6 amended as follows:

7 97-1-1. If two (2) or more persons conspire either:

8 (a) To commit a crime; or

9 (b) Falsely and maliciously to indict another for a
10 crime, or to procure to be complained of or arrested for a crime;
11 or

12 (c) Falsely to institute or maintain an action or suit
13 of any kind; or

14 (d) To cheat and defraud another out of property by any
15 means which are in themselves criminal, or which, if executed,
16 would amount to a cheat, or to obtain money or any other property
17 or thing by false pretense; or

18 (e) To prevent another from exercising a lawful trade
19 or calling, or doing any other lawful act, by force, threats,
20 intimidation, or by interfering or threatening to interfere with
21 tools, implements, or property belonging to or used by another, or
22 with the use of employment thereof; or

23 (f) To commit any act injurious to the public health,
24 to public morals, trade or commerce, or for the perversion or
25 obstruction of justice, or of the due administration of the laws;
26 or

27 (g) To overthrow or violate the laws of this state
28 through force, violence, threats, intimidation, or otherwise; or

29 (h) To accomplish any unlawful purpose, or a lawful
30 purpose by any unlawful means; such persons, and each of them,
31 shall be guilty of a felony and upon conviction may be punished by
32 a fine of not more than Five Thousand Dollars (\$5,000.00) or by
33 imprisonment for not more than five (5) years, or by both.

34 Provided that one (1) or more of the "two (2) or more
35 persons" to whom reference is hereinabove made may be a law
36 enforcement officer engaged in the performance of his duties or a
37 person acting at the direction of such law enforcement officer so
38 long as any remaining coconspirator charged hereunder acted
39 voluntarily and willfully and was not entrapped to so act. Upon a
40 trial of such cases, the jury shall be properly instructed on the
41 issue of entrapment unless the defendant objects to the giving of
42 such instruction.

43 Provided, that where the crime conspired to be committed is
44 capital murder or murder as defined by law or is a violation of
45 Section 41-29-139(b)(1), Section 41-29-139(c)(2)(D) or Section
46 41-29-313(1), Mississippi Code of 1972, being provisions of the
47 Uniform Controlled Substances Law, the offense shall be punishable
48 by a fine of not more than Five Hundred Thousand Dollars
49 (\$500,000.00) or by imprisonment for not more than twenty (20)
50 years, or by both.

51 Provided, that where the crime conspired to be committed is a
52 misdemeanor, then upon conviction said crime shall be punished as
53 a misdemeanor as provided by law.

54 **SECTION 2.** This act shall take effect and be in force from
55 and after July 1, 2007.