

By: Representative Smith (39th)

To: Judiciary A

HOUSE BILL NO. 664

1 AN ACT TO AMEND SECTION 97-17-70, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY DEFENSES TO THE CRIME OF RECEIVING STOLEN PROPERTY; AND  
3 FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-17-70, Mississippi Code of 1972, is  
6 amended as follows:

7 97-17-70. (1) A person commits the crime of receiving  
8 stolen property if he intentionally possesses, receives, retains  
9 or disposes of stolen property knowing that it has been stolen or  
10 having reasonable grounds to believe it has been stolen, unless  
11 the property is possessed, received, retained or disposed of with  
12 intent to restore it to the owner.

13 (2) The fact that the person who stole the property has not  
14 been convicted, apprehended or identified is not a defense to a  
15 charge of receiving stolen property.

16 (3) The fact that the person charged hereunder is the person  
17 who stole the property is not a defense to a charge of receiving  
18 stolen property; provided, however, that no person shall be  
19 charged in the same county with both stealing and receiving the  
20 same property. Proof that such person stole the property shall be  
21 prima facie evidence that said person knew the property had been  
22 stolen.

23 (4) Any person who shall be convicted of receiving stolen  
24 property which exceeds Five Hundred Dollars (\$500.00) in value  
25 shall be committed to the custody of the State Department of  
26 Corrections for a term not exceeding ten (10) years or by a fine  
27 of not more than Ten Thousand Dollars (\$10,000.00), or both.

28           (5) Any person who shall be convicted of receiving stolen  
29 property which does not exceed Five Hundred Dollars (\$500.00) in  
30 value shall be punished by imprisonment for not more than six (6)  
31 months or by a fine of not more than One Thousand Dollars  
32 (\$1,000.00), or both.

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