

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2486

1 AN ACT TO AMEND SECTION 97-1-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE ELEMENTS NECESSARY TO PROVE CONSPIRACY IN A CASE IN
3 WHICH A LAW ENFORCEMENT OFFICER OR PERSON ACTING AT THE DIRECTION
4 OF A LAW ENFORCEMENT OFFICER IS A CO-CONSPIRATOR; AND FOR RELATED
5 PURPOSES.

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

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

9 97-1-1. (1) If two (2) or more persons conspire either:

10 (a) To commit a crime; or

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

14 (c) Falsely to institute or maintain an action or suit
15 of any kind; or

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

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

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

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

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

36 (2) (a) If one (1) or more of the conspirators is a law
37 enforcement officer engaged in the performance of official duty or
38 a person acting at the direction of a law enforcement office in
39 the performance of official duty, any other conspirator may be
40 charged under this section if the alleged conspirator acted
41 voluntarily and willfully and was not entrapped by the law
42 enforcement officer or person acting at the direction of a law
43 enforcement officer.

44 (b) The jury shall be instructed on the issue of
45 entrapment unless the defendant objects to an entrapment
46 instruction.

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

54 (4) * * * Where the crime conspired to be committed is a
55 misdemeanor, then upon conviction said crime shall be punished as
56 a misdemeanor as provided by law.

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