

By: Representative Willis

To: Judiciary B

HOUSE BILL NO. 998

1 AN ACT TO AMEND SECTION 97-23-99, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PENALTY FOR THE GIVING AWAY OF RETAIL MERCHANDISE BY
3 AN EMPLOYEE; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-23-99, Mississippi Code of 1972, is
6 amended as follows:

7 97-23-99. (1) It shall be unlawful for any employee of a
8 merchant engaged in the sale of goods to the public to willfully
9 give away any merchandise of a value of less than * * * One
10 Thousand Dollars (\$1,000.00) that is intended for sale without
11 receiving full payment for such merchandise or to give away any
12 merchandise without the specific authorization of the merchant.
13 Any person violating the provisions of this section shall be
14 guilty of a misdemeanor and, upon conviction, shall be fined not
15 more than One Thousand Dollars (\$1,000.00) or imprisoned for not
16 more than one (1) year, or both. In addition to the fine and/or
17 imprisonment that may be ordered under this section, a judge may



18 require such person to pay restitution in an amount equal to the
19 value of the merchandise that was given away.

20 (2) It shall be unlawful for any employee of a merchant
21 engaged in the sale of goods to the public to willfully give away,
22 without receiving full payment, any merchandise of a value of One
23 Thousand Dollars (\$1,000.00) or more that was intended for sale
24 without the specific authorization of the merchant. Any person
25 violating the provision of this subsection shall be guilty of a
26 felony, and upon conviction, shall be imprisoned in the Department
27 of Corrections for a term not exceeding ten (10) years; or shall
28 be fined not more than Ten Thousand Dollars (\$10,000.00), or both.
29 In addition to the fine and/or imprisonment that may be ordered
30 under this section, a judge may require such person to pay
31 restitution in an amount equal to the value of the merchandise
32 that was given away.

33 **SECTION 2.** This act shall take effect and be in force from
34 and after July 1, 2018.

