

By: Representative Kinkade

To: Corrections

HOUSE BILL NO. 1143

1 AN ACT TO AMEND SECTION 97-3-82, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE WHEN AN INMATE HAS COMMITTED FELONY EXTORTION; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-3-82, Mississippi Code of 1972, is
6 amended as follows:

7 97-3-82. (1) For the purposes of this section the following
8 words and phrases shall have the meanings ascribed herein, unless
9 the context clearly indicates otherwise:

10 (a) "Obtain" means: (i) in relation to property, to
11 bring about a transfer or purported transfer of a legal interest
12 in, or physical possession of, the property, whether to the
13 obtainer or another; or (ii) in relation to labor or service, or
14 any reward, favor, or advantage of any kind, to secure performance
15 thereof; or attempt to do (i) or (ii).

16 (b) "Property" means anything of value, including, but
17 not limited to, real estate, tangible and intangible personal
18 property, contract rights, choses-in-action, reputation of a



19 person and other interests in or claims to wealth, admission or
20 transportation tickets, captured or domestic animals, food and
21 drink, electric or other power.

22 (c) "Property of another" includes property in which
23 any person other than the actor has an interest which the actor is
24 not privileged to infringe, regardless of the fact that the actor
25 also has an interest in the property and regardless of the fact
26 that the other person might be precluded from civil recovery
27 because the property was used in an unlawful transaction or was
28 subject to forfeiture as contraband. Property in possession of
29 the actor shall not be deemed property of another who has only a
30 security interest therein, even if legal title is in the creditor
31 pursuant to a conditional sales contract or other security
32 agreement.

33 (d) "Public official" means any person elected or
34 appointed to any office, position or employment whereby the person
35 is paid a fee or salary by the State of Mississippi or any
36 political subdivision thereof or any agency or subdivision of the
37 government of the United States, regardless of the source or
38 sources of the funds for the payment.

39 (2) (a) A person is guilty of extortion if he purposely
40 obtains or attempts to obtain property of another or any reward,
41 favor, or advantage of any kind by threatening to inflict bodily
42 injury on any person or by committing or threatening to commit any
43 other criminal offense, violation of civil statute, or the public



44 or private revelation of information not previously in the public
45 domain for the purpose of humiliating or embarrassing the other
46 person, without regard to whether the revelation otherwise
47 constitutes a violation of a specific statute.

48 (b) An inmate is guilty of felony extortion if he or
49 she purposely obtains or attempts to obtain property from another
50 inmate, family member or other person by threatening to inflict
51 bodily injury on any person or threatening to commit any other
52 criminal offense, violation of a civil statute, or the public or
53 private revelation of information not previously in the public
54 domain for the purpose of humiliating or embarrassing the other
55 person, without regard to whether the revelation otherwise
56 constitutes a violation of a specific statute.

57 (3) (a) Except as provided in paragraph (d) of this
58 subsection, any person, whether a public official or not, who
59 commits the offense of extortion of property or things of value of
60 another under the value of Five Hundred Dollars (\$500.00) shall be
61 guilty of a misdemeanor and, upon conviction thereof, shall be
62 punished by imprisonment in the county jail not to exceed six (6)
63 months.

64 (b) Except as provided in paragraph (d) of this
65 subsection, any person, whether a public official or not, who
66 commits the offense of extortion of property or things of value of
67 another of the value of Five Hundred Dollars (\$500.00) or more
68 shall be guilty of a felony and, upon conviction thereof, shall be



69 punished by commitment to the custody of the Department of
70 Corrections for a term not to exceed fifteen (15) years.

71 (c) Except as provided in paragraph (d) of this
72 subsection, any person, whether a public official or not, who
73 commits the offense of extortion in order to obtain any intangible
74 reward, favor or advantage to which no monetary value is normally
75 given shall be guilty of a felony and, upon conviction thereof,
76 shall be punished by commitment to the custody of the Department
77 of Corrections for a term not to exceed fifteen (15) years.

78 (d) Any public official acting in his official capacity
79 or under color of his office who commits the offense of extortion
80 in order to obtain any intangible reward, favor or advantage to
81 which no monetary value is normally given, or who commits the
82 offense of extortion of tangible property, regardless of the value
83 of the property, shall be guilty of a felony and, upon conviction
84 thereof, shall be punished by commitment to the custody of the
85 Department of Corrections for a term not less than two (2) nor
86 more than twenty (20) years.

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

