

By: Senator(s) Thompson, England, Suber,  
McCaughn

To: Judiciary, Division B

SENATE BILL NO. 2545  
(As Passed the Senate)

1 AN ACT TO CODIFY SECTION 97-17-71.3, MISSISSIPPI CODE OF  
2 1972, TO PROVIDE REQUIREMENTS FOR THE TRANSFER, PURCHASE AND  
3 ACQUISITION OF CERTAIN CATALYTIC CONVERTERS NOT ATTACHED TO A  
4 MOTOR VEHICLE; TO PROVIDE CRIMINAL PENALTIES FOR A VIOLATION OF  
5 THESE REQUIREMENTS; TO AMEND SECTION 97-17-71, MISSISSIPPI CODE OF  
6 1972, IN CONFORMITY; TO AMEND SECTION 97-17-71.1, MISSISSIPPI CODE  
7 OF 1972, TO REQUIRE ANY DETACHED CATALYTIC CONVERTER TO BE  
8 REGISTERED WITH THE SECRETARY OF STATE; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** The following shall be codified as Section  
11 97-17-71.3, Mississippi Code of 1972:

12 97-17-71.3. (1) It is unlawful for any person to transfer,  
13 purchase, enter into any cash transactions for, or otherwise  
14 acquire, a used, detached catalytic converter, or any nonferrous  
15 part thereof, unless all of the following apply:

16 (a) The person is registered as a secondary metals  
17 recycler under Section 97-17-71;

18 (b) The sale, transfer, purchase or acquisition occurs  
19 at the fixed business address of a secondary metals recycler that  
20 is a party to the transaction. For purposes of this subsection,  
21 the fixed business address of the secondary metals recycler is the



22 address of the business that is registered pursuant to Section  
23 97-17-71;

24 (c) The person has maintained all of the information  
25 required under Section 97-17-71;

26 (d) One or more of the following apply:

27 (i) The used, detached catalytic converter or  
28 nonferrous part thereof was obtained by the seller thereof as part  
29 of a vehicle;

30 (ii) The catalytic converter or nonferrous part  
31 thereof was purchased from a secondary metals recycler, new or  
32 used motor vehicle dealer, automotive repair service, motor  
33 vehicle manufacturer, vehicle demolisher, or distributor of  
34 catalytic converters, and a copy of the seller's valid business  
35 license is received and maintained by the person at the time of  
36 the transaction; or

37 (iii) The seller of the catalytic converter or  
38 nonferrous part thereof provides the purchaser with all of the  
39 following information for the motor vehicle from which the  
40 catalytic converter or part thereof was taken:

41 1. The name of the person who removed the  
42 catalytic converter;

43 2. The name of the person for whom the  
44 removal was completed;

45 3. The make and model of the vehicle from  
46 which the catalytic converter was removed;



47                   4. The vehicle identification number of the  
48 vehicle from which the catalytic converter was removed;

49                   5. The part number or other identifying  
50 number of the catalytic converter that was removed;

51                   6. A copy of the driver's license or  
52 nondriver identification card of the seller of the catalytic  
53 converter; and

54                   7. A copy of the certificate of title or  
55 certificate of registration showing the seller's ownership  
56 interest in the vehicle;

57                   (e) Before each purchase or acquisition of a used,  
58 detached catalytic converter or part thereof, the secondary metals  
59 recycler, including an agent, employee, or representative thereof,  
60 shall do both of the following:

61                   (i) Verify, with the applicable documentation,  
62 that the person transferring or selling the used, detached  
63 catalytic converter acquired it legally and has the right to  
64 transfer it or sell it; and

65                   (ii) Retain a record of the applicable  
66 verification and other information required under Section  
67 97-17-71, and note in the business records of the secondary metals  
68 recycler any obvious markings on the used, detached catalytic  
69 converter, such as paint, labels or engravings, that would aid in  
70 the identification of the catalytic converter.



71 (2) It is unlawful for a seller of a used, detached  
72 catalytic converter, or any nonferrous part of a catalytic  
73 converter, to provide any false, fraudulent, altered or  
74 counterfeit information or documentation as required by this  
75 section.

76 (3) Each catalytic converter that is purchased, possessed,  
77 obtained, sold, transported or otherwise acquired in violation of  
78 this section is a separate violation of this section.

79 (4) A person who violates this section is guilty of a  
80 misdemeanor or a felony for subsequent violations as specifically  
81 prescribed under Sections 97-17-71 and 97-17-71.1, Mississippi  
82 Code of 1972.

83 (5) For purposes of this section, a used, detached catalytic  
84 converter does not include a catalytic converter that has been  
85 tested, certified and labeled for reuse in accordance with  
86 applicable U.S. Environmental Protection Agency Clean Air Act  
87 regulations.

88 **SECTION 2.** Section 97-17-71, Mississippi Code of 1972, is  
89 amended as follows:

90 97-17-71. (1) For the purposes of this section, the  
91 following terms shall have the meanings ascribed in this section:

92 (a) "Railroad materials" means any materials, equipment  
93 and parts used in the construction, operation, protection and  
94 maintenance of a railroad.



95           (b) "Copper materials" means any copper wire, bars,  
96 rods or tubing, including copper wire or cable or coaxial cable of  
97 the type used by public utilities, common carriers or  
98 communication services providers, whether wireless or wire line,  
99 copper air conditioner evaporator coil or condenser, aluminum  
100 copper radiators not attached to a motor vehicle, or any  
101 combination of these.

102           (c) "Aluminum materials" means any aluminum cable,  
103 bars, rods or tubing of the type used to construct utility,  
104 communication or broadcasting towers, aluminum utility wire and  
105 aluminum irrigation pipes or tubing. "Aluminum materials" does  
106 not include aluminum cans that have served their original economic  
107 purpose.

108           (d) "Law enforcement officer" means any person  
109 appointed or employed full time by the state or any political  
110 subdivision thereof, or by the state military department as  
111 provided in Section 33-1-33, who is duly sworn and vested with  
112 authority to bear arms and make arrests, and whose primary  
113 responsibility is the prevention and detection of crime, the  
114 apprehension of criminals and the enforcement of the criminal  
115 traffic laws of this state or the ordinances of any political  
116 subdivision thereof.

117           (e) "Metal property" means materials as defined in this  
118 section as railroad track materials, copper materials and aluminum  
119 materials and electrical, communications or utility brass, metal



120 covers for service access and entrances to sewers and storm  
121 drains, metal bridge pilings, irrigation wiring and other metal  
122 property attached to or part of center pivots, grain bins,  
123 stainless steel sinks, catalytic converters not attached to a  
124 motor vehicle as specifically provided in Section 97-17-71.3 and  
125 metal beer kegs. Metal property does not include ferrous  
126 materials not listed in this section.

127 (f) "Person" means an individual, partnership,  
128 corporation, joint venture, trust, limited liability company,  
129 association or any other legal or commercial entity.

130 (g) "Personal identification card" means any government  
131 issued photographic identification card including a valid  
132 identification card issued by a federally recognized Indian tribe  
133 that contains a color photograph of the card holder and the card  
134 holder's legal name, residence address and date of birth.

135 (h) "Photograph" or "photographically" means a still  
136 photographic image, including images captured in digital format,  
137 that are of such quality that the persons and objects depicted are  
138 clearly identifiable.

139 (i) "Purchase transaction" means a transaction in which  
140 a person gives consideration in exchange for metal property.

141 (j) "Purchaser" means a person who gives consideration  
142 in exchange for metal property.

143 (k) "Record" or "records" means a paper, electronic or  
144 other method of storing information.



145           (1) "Scrap metal dealer" means any person who is  
146 engaged, from a fixed location or otherwise, in the business of  
147 paying compensation for metal property that has served its  
148 original economic purpose, whether or not the person is engaged in  
149 the business of performing the manufacturing process by which  
150 metals are converted into raw material products consisting of  
151 prepared grades and having an existing or potential economic  
152 value.

153           (2) Every scrap metal dealer or other purchaser shall keep  
154 an accurate and legible record in which he shall enter the  
155 following information for each purchase transaction:

156           (a) The name, address and age of the person from whom  
157 the metal property is purchased as obtained from the seller's  
158 personal identification card;

159           (b) The date and place of each acquisition of the metal  
160 property;

161           (c) The weight, quantity or volume and a general  
162 physical description of the type of metal property, such as wire,  
163 tubing, extrusions or casting, purchased in a purchase  
164 transaction;

165           (d) The amount of consideration given in a purchase  
166 transaction for the metal property;

167           (e) The vehicle license tag number, state of issue and  
168 the make and type of the vehicle used to deliver the metal  
169 property to the purchaser;



170 (f) If a person other than the seller delivers the  
171 metal property to the purchaser, the name, address and age of the  
172 person who delivers the metal property;

173 (g) A signed statement from the person receiving  
174 consideration in the purchase transaction stating that he is the  
175 rightful owner of the metal property or is entitled to sell the  
176 metal property being sold;

177 (h) (i) A scanned copy or a photocopy of the personal  
178 identification card of the person receiving consideration in the  
179 purchase transaction; or

180 (ii) If a person other than the seller delivers  
181 the metal property to the purchaser, a scanned copy or a photocopy  
182 of the personal identification card of the person delivering the  
183 metal property to the purchaser; and

184 (i) A photograph, videotape or similar likeness of the  
185 person receiving consideration or any person other than the seller  
186 who delivers the metal property to the purchaser in which the  
187 person's facial features are clearly visible and in which the  
188 metal property the person is selling or delivering is clearly  
189 visible.

190 Such records shall be maintained by the scrap metal dealer or  
191 purchaser for not less than two (2) years from the date of the  
192 purchase transaction, and such records shall be made available to  
193 any law enforcement officer during usual and customary business  
194 hours.





195           (3) The purchaser of metal property must hold the metal  
196 property separate and identifiable from other purchases for not  
197 less than three (3) business days from the date of purchase. The  
198 purchaser shall also photographically capture the metal property  
199 in the same form, without change, in which the metal property was  
200 acquired, and maintain the photograph for a period of not less  
201 than two (2) years. The time and date shall be digitally recorded  
202 on the photograph, and the identity of the person taking the  
203 photograph shall be recorded. The purchaser shall permit any law  
204 enforcement officer to make an inspection of the metal property  
205 during the holding period, and of all photographs of the metal  
206 property. Any photograph of metal property taken and maintained  
207 pursuant to this subsection shall be admissible in any civil or  
208 criminal proceeding.

209           (4) During the usual and customary business hours of a scrap  
210 metal dealer or other purchaser, a law enforcement officer, after  
211 proper identification as a law enforcement officer, shall have the  
212 right to inspect all purchased metal property in the possession of  
213 the scrap metal dealer or purchaser.

214           (5) (a) Whenever a law enforcement officer has reasonable  
215 cause to believe that any item of metal property in the possession  
216 of a scrap metal dealer or other purchaser has been stolen, a law  
217 enforcement officer who has an affidavit from the alleged rightful  
218 owner of the property identifying the property with specificity,  
219 including any identifying markings, may issue and deliver a



220 written hold notice to the scrap metal dealer or other purchaser.  
221 The hold notice shall specifically identify those items of metal  
222 property that are believed to have been stolen and that are  
223 subject to the hold notice. Upon receipt of the notice, the scrap  
224 metal dealer or other purchaser may not process or remove the  
225 metal property identified in the notice from the place of business  
226 of the scrap metal dealer or purchaser for fifteen (15) calendar  
227 days after receipt of the notice, unless sooner released by a law  
228 enforcement officer.

229           (b) No later than the expiration of the fifteen-day  
230 period, a law enforcement officer, after receiving additional  
231 substantive evidence beyond the initial affidavit, may issue and  
232 deliver a second written hold notice, which shall be an extended  
233 hold notice. The extended hold notice shall specifically identify  
234 those items of metal property that are believed to have been  
235 stolen and that are subject to the extended hold notice. Upon  
236 receipt of the extended hold notice, the scrap metal dealer or  
237 purchaser may not process or remove the items of metal property  
238 identified in the notice from the place of business of the scrap  
239 metal dealer or purchaser for fifteen (15) calendar days after  
240 receipt of the extended hold notice, unless sooner released by a  
241 law enforcement officer.

242           (c) At the expiration of the hold period or, if  
243 extended in accordance with this subsection, at the expiration of  
244 the extended hold period, the hold is automatically released, then



245 the scrap metal dealer or purchaser may dispose of the metal  
246 property unless other disposition has been ordered by a court of  
247 competent jurisdiction.

248 (d) If the scrap metal dealer or other purchaser  
249 contests the identification or ownership of the metal property,  
250 the party other than the scrap metal dealer or other purchaser  
251 claiming ownership of any metal property in the possession of a  
252 scrap metal dealer or other purchaser, provided that a timely  
253 report of the theft of the metal property was made to the proper  
254 authorities, may bring a civil action in the circuit court of the  
255 county in which the scrap metal dealer or purchaser is located.  
256 The petition for the action shall include the means of  
257 identification of the metal property utilized by the petitioner to  
258 determine ownership of the metal property in the possession of the  
259 scrap metal dealer or other purchaser.

260 (e) When a lawful owner recovers stolen metal property  
261 from a scrap metal dealer or other purchaser who has complied with  
262 this section, and the person who sold the metal property to the  
263 scrap metal dealer or other purchaser is convicted of a violation  
264 of this section, or theft by receiving stolen property under  
265 Section 97-17-70, the court shall order the convicted person to  
266 make full restitution to the scrap metal dealer or other  
267 purchaser, including, without limitation, attorney's fees, court  
268 costs and other expenses.



269           (6) This section shall not apply to purchases of metal  
270 property from any of the following:

271                   (a) A law enforcement officer acting in an official  
272 capacity;

273                   (b) A trustee in bankruptcy, executor, administrator or  
274 receiver who has presented proof of such status to the scrap metal  
275 dealer;

276                   (c) Any public official acting under a court order who  
277 has presented proof of such status to the scrap metal dealer;

278                   (d) A sale on the execution, or by virtue of any  
279 process issued by a court, if proof thereof has been presented to  
280 the scrap metal dealer; or

281                   (e) A manufacturing, industrial or other commercial  
282 vendor that generates or sells regulated metal property in the  
283 ordinary course of its business.

284           (7) It shall be unlawful for any person to give a false  
285 statement of ownership or to give a false or altered  
286 identification or vehicle tag number and receive money or other  
287 consideration from a scrap metal dealer or other purchaser in  
288 return for metal property.

289           (8) A scrap metal dealer or other purchaser shall not enter  
290 into any cash transactions in payment for the purchase of metal  
291 property. Payment shall be made by check issued to the seller of  
292 the metal, made payable to the name and address of the seller and  
293 mailed to the recorded address of the seller, or by electronic



294 funds transfer. Payment shall not be made for a period of three  
295 (3) days after the purchase transaction.

296 (9) If a person acquiring metal property fails to maintain  
297 the records or to hold such materials for the period of time  
298 prescribed by this section, such failure shall be prima facie  
299 evidence that the person receiving the metal property received it  
300 knowing it to be stolen in violation of Section 97-17-70.

301 (10) It shall be unlawful for any person to transport or  
302 cause to be transported for himself or another from any point  
303 within this state to any point outside this state any metal  
304 property, unless the person or entity first reports to the sheriff  
305 of the county from which he departs this state transporting such  
306 materials the same information that a purchaser in this state  
307 would be required to obtain and keep in a record as set forth in  
308 subsection (2) of this section. In such a case the sheriff  
309 receiving the report shall keep the information in records  
310 maintained in his office as a public record available for  
311 inspection by any person at all reasonable times. This section  
312 shall not apply to a public utility, as that term is defined in  
313 Section 77-3-3, engaged in carrying on utility operations; to a  
314 railroad, as that term is defined in Section 77-9-5; to a  
315 communications service provider, whether wireless or wire line; to  
316 a scrap metal dealer; or to a person identified in subsection (6)  
317 as being exempt from the provisions of this section.



318 (11) It shall be unlawful for a scrap metal dealer or other  
319 purchaser to knowingly purchase or possess a metal beer keg, or a  
320 metal syrup tank generally used by the soft drink industry,  
321 whether damaged or undamaged, or any reasonably recognizable part  
322 thereof, on any premises that the dealer uses to buy, sell, store,  
323 shred, melt, cut or otherwise alter scrap metal. However, it  
324 shall not be unlawful to purchase or possess a metal syrup tank  
325 generally used by the soft drink industry if the scrap metal  
326 dealer or other purchaser obtains a bill of sale at the time of  
327 purchase from a seller if the seller is a manufacturer of such  
328 tanks, a soft drink company or a soft drink distributor.

329 (12) It shall be unlawful to sell to a scrap metal dealer  
330 any bronze vase and/or marker, memorial, statue, plaque, or other  
331 bronze object used at a cemetery or other location where deceased  
332 persons are interred or memorialized, or for any such dealer to  
333 purchase those objects, unless the source of the bronze is known  
334 and notice is provided to the municipal or county law enforcement  
335 agency where the dealer is located. The notice shall identify all  
336 names, letters, dates and symbols on the bronze and a photograph  
337 of the bronze shall be attached thereto. Written permission from  
338 the cemetery and the appropriate law enforcement agency must be  
339 received before any type of bronze described in this subsection  
340 may be purchased, processed, sold or melted.

341 (13) It shall be unlawful for any scrap metal dealer to  
342 purchase any manhole cover and other similar types of utility



343 access covers, including storm drain covers, or any metal property  
344 clearly identified as belonging to a political subdivision of the  
345 state or a municipality, unless that metal property is purchased  
346 from the political subdivision, the municipal utility or the  
347 manufacturer of the metal. Any purchaser who purchases metal  
348 property in bulk shall be allowed twenty-four (24) hours to  
349 determine if any metal property prohibited by this subsection is  
350 included in a bulk purchase. If such prohibited metal property is  
351 included in a bulk purchase, the purchaser shall notify law  
352 enforcement no later than twenty-four (24) hours after the  
353 purchase.

354 (14) It shall be unlawful for a scrap metal dealer or other  
355 purchaser to purchase metal property from a person younger than  
356 eighteen (18) years of age.

357 (15) Metal property may not be purchased, acquired or  
358 collected between the hours of 9:00 p.m. and 6:00 a.m.

359 (16) Except as provided in this subsection, any person  
360 willfully or knowingly violating the provisions of this section  
361 shall, upon conviction thereof, be deemed guilty of a misdemeanor,  
362 and shall be punished by a fine not to exceed One Thousand Dollars  
363 (\$1,000.00) per offense, unless the purchase transaction or  
364 transactions related to the violation, in addition to any costs  
365 which are, or would be, incurred in repairing or in the attempt to  
366 recover any property damaged in the theft of or removal of the  
367 metal property, are in aggregate an amount which exceeds One



368 Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars  
369 (\$5,000.00), in which case the person shall be guilty of a felony  
370 and shall be imprisoned in the custody of the Department of  
371 Corrections for a term not to exceed five (5) years, fined not  
372 more than Ten Thousand Dollars (\$10,000.00), or both. Any person  
373 found guilty of stealing metal property or receiving metal  
374 property, knowing it to be stolen in violation of Section  
375 97-17-70, shall be ordered to make full restitution to the victim,  
376 including, without limitation, restitution for property damage  
377 that resulted from the theft of the property.

378 (17) If the purchase transaction or transactions related to  
379 the violation, in addition to any costs which are, or would be,  
380 incurred in repairing or in the attempt to recover any property  
381 damaged in the theft of or removal of the metal property, are in  
382 aggregate an amount which exceeds Five Thousand Dollars  
383 (\$5,000.00) but less than Twenty-five Thousand Dollars  
384 (\$25,000.00), the person shall be guilty of a felony and shall be  
385 imprisoned in the custody of the Department of Corrections for a  
386 term not to exceed ten (10) years, fined not more than Ten  
387 Thousand Dollars (\$10,000.00), or both.

388 (18) If the purchase transaction or transactions related to  
389 the violation, in addition to any costs which are, or would be,  
390 incurred in repairing or in the attempt to recover any property  
391 damaged in the theft of or removal of the metal property, are in  
392 aggregate an amount which exceeds Twenty-five Thousand Dollars





393 (\$25,000.00), the person shall be guilty of a felony and shall be  
394 imprisoned in the custody of the Department of Corrections for a  
395 term not to exceed twenty (20) years, fined not more than Ten  
396 Thousand Dollars (\$10,000.00), or both.

397 (19) This section shall not be construed to repeal other  
398 criminal laws. Whenever conduct proscribed by any provision of  
399 this section is also proscribed by any other provision of law, the  
400 provision which carries the more serious penalty shall be applied.

401 (20) This section shall apply to all businesses regulated  
402 under this section without regard to the location within the State  
403 of Mississippi.

404 (21) This section shall not be construed to prohibit  
405 municipalities and counties from enacting and implementing  
406 ordinances, rules and regulations that impose stricter  
407 requirements relating to purchase transactions.

408 (22) This section shall be fully applicable to the  
409 requirements for the purchase, possession and sale of detached  
410 catalytic converters provided in Section 97-17-71.3, Mississippi  
411 Code of 1972.

412 **SECTION 3.** Section 97-17-71.1, Mississippi Code of 1972, is  
413 amended as follows:

414 97-17-71.1. (1) (a) From and after August 7, 2008, it  
415 shall be unlawful for any scrap metal dealer or any person who  
416 purchases scrap metal or detached catalytic converters, deals in  
417 scrap metal or detached catalytic converters, or otherwise engages



418 in the scrap metal or detached catalytic converter business to  
419 fail to register with the Secretary of State. All registrations  
420 under this section shall expire two (2) years from the date of the  
421 registration or the renewal thereof.

422 (b) The Secretary of State may promulgate and adopt  
423 such rules and regulations as are reasonably necessary to carry  
424 out the provisions of this section and establish such registration  
425 and renewal fees as are adequate to cover the administrative costs  
426 associated with the registration program.

427 (c) The Secretary of State may deny, suspend, revoke or  
428 refuse to renew any registration following notice to the applicant  
429 or registrant in accordance with the promulgated rules and an  
430 opportunity for a hearing for any failure to comply with this  
431 section, or for other good cause.

432 (2) A violation of this section is a misdemeanor punishable  
433 by a fine of not less than Five Hundred Dollars (\$500.00) but not  
434 to exceed One Thousand Dollars (\$1,000.00) for the first offense.  
435 Any person who shall be guilty of any subsequent violations of  
436 this section requiring registration shall be guilty of a felony  
437 offense and shall be imprisoned in the custody of the Department  
438 of Corrections for a term not to exceed three (3) years, fined not  
439 more than Five Thousand Dollars (\$5,000.00), or both.

440 (3) (a) To register or renew registration, the registrant  
441 must declare, under penalty of perjury, whether such registrant  
442 has ever been convicted of a violation of Section 97-17-71 or



443 convicted of a criminal offense of larceny, burglary or vandalism,  
444 where the offense involved metal property as defined in Section  
445 97-17-71.

446 (b) (i) An applicant who has been convicted of a  
447 violation of Section 97-17-71, or who has a conviction for a  
448 criminal offense of larceny, burglary or vandalism where such  
449 offense involved metal property, shall be prohibited from  
450 registering under this section for five (5) years from the date of  
451 conviction.

452 (ii) Any false statement submitted to the  
453 Secretary of State for the purpose of unlawfully registering under  
454 this section shall be punished as perjury in the manner provided  
455 in Section 97-9-61, and a person so convicted shall be  
456 disqualified for life from registering as a scrap metal dealer  
457 under this section.

458 (4) The Secretary of State shall immediately report any  
459 suspected criminal violation accompanied by all relevant records  
460 to the Office of Attorney General and the appropriate district  
461 attorney for further proceedings.

462 (5) The Secretary of State shall have the authority to:

463 (a) Conduct and carry out criminal background history  
464 verification of the information provided by the applicant or  
465 registrant and to require the submission of information and forms  
466 from the applicant or registrant in order to accomplish the  
467 registration duties imposed by this section;



468 (b) Issue a cease and desist order, with a prior  
469 hearing, against the scrap metal or detached catalytic converter  
470 dealer or other purchaser alleged to be in violation of this  
471 section, directing the person or persons to cease and desist from  
472 further illegal activity;

473 (c) (i) Issue an order against any scrap metal or  
474 detached catalytic converter dealer or other purchaser for any  
475 violation of this section, imposing an administrative penalty up  
476 to a maximum of One Thousand Dollars (\$1,000.00) for each offense.  
477 Each violation shall be considered a separate offense in a single  
478 proceeding or a series of related proceedings. Any administrative  
479 penalty, plus reimbursement for all costs and expenses incurred in  
480 the investigation of the violation and any administrative  
481 proceedings, shall be paid to the Secretary of State;

482 (ii) For the purpose of determining the amount or  
483 extent of a sanction, if any, to be imposed under paragraph (c)(i)  
484 of this subsection, the Secretary of State shall consider, among  
485 other factors, the frequency, persistence and willfulness of the  
486 conduct constituting a violation of this section or any rule or  
487 order hereunder; the number of persons adversely affected by the  
488 conduct; and the resources of the person committing the violation;

489 (d) Bring an action in chancery court to enjoin the  
490 acts or practices complained of to enforce compliance with this  
491 section or any rule promulgated or order entered hereunder. Upon  
492 a proper showing, a permanent or temporary injunction, restraining



493 order, or writ of mandamus shall be granted and a receiver or  
494 conservator may be appointed for the defendant or the defendant's  
495 assets. In addition, upon a proper showing by the Secretary of  
496 State, the court may enter an order of rescission or restitution  
497 directed to any person who has engaged in any act constituting a  
498 violation of any provision of this section or any rule or order  
499 hereunder, or the court may impose a civil penalty up to a maximum  
500 of One Thousand Dollars (\$1,000.00) for each offense, provided  
501 that each violation shall be considered as a separate offense in a  
502 single proceeding or a series of related proceedings. The court  
503 may not require the Secretary of State to post a bond.

504 (6) Any person aggrieved by a final order of the Secretary  
505 of State may obtain a review of the order in the Chancery Court of  
506 the First Judicial District of Hinds County, Mississippi, by  
507 filing in the court, within thirty (30) days after the entry of  
508 the order, a written petition praying that the order be modified  
509 or set aside, in whole or in part. A copy of the petition shall  
510 be forthwith served upon the Secretary of State and thereupon the  
511 Secretary of State shall certify and file in court a copy of the  
512 filing and evidence upon which the order was entered. When these  
513 have been filed, the court has exclusive jurisdiction to affirm,  
514 modify, enforce or set aside the order, in whole or in part.

515 **SECTION 4.** This act shall take effect and be in force from  
516 and after July 1, 2022.

