

House Amendments to Senate Bill No. 2099

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

11 **SECTION 1.** Section 97-17-42, Mississippi Code of 1972, is
12 amended as follows:
13 97-17-42. (1) Any person who shall, willfully and without
14 authority, take possession of or take away a motor vehicle of any
15 value belonging to another, with intent to either permanently or
16 temporarily convert it or to permanently or temporarily deprive
17 the owner of possession or ownership, and any person who knowingly
18 shall aid and abet in the taking possession or taking away of the
19 motor vehicle, shall be guilty of * * * a felony and shall
20 be * * * fined not more than Ten Thousand Dollars (\$10,000.00), or
21 imprisoned in the custody of the Department of Corrections for a
22 term of not less than three (3) years but not to exceed twenty
23 (20) years, or both.
24 (2) Any person convicted under this section who causes
25 damage to any motor vehicle shall be ordered by the court to pay
26 restitution to the owner or owners of the motor vehicle or

27 vehicles damaged in the amount of damages caused to the vehicle
28 and reasonable repair costs.

29 (3) This section shall not apply to the enforcement of a
30 security interest in a motor vehicle.

31 (4) Any person who shall be convicted for a second or
32 subsequent offense under this section shall be fined not more than
33 Twenty Thousand Dollars (\$20,000.00), or imprisoned in the * * *
34 custody of the Department of Corrections for a term * * * of not
35 less than six (6) years but not to exceed thirty (30) years, or
36 both.

37 (5) Notwithstanding any other law to the contrary, the
38 minimum terms imposed under this section shall not be reduced or
39 suspended nor shall such person be eligible for probation or
40 parole before the expiration of the minimum term of incarceration.
41 The provisions of this subsection (5) shall not apply if the
42 sentencing judge determines that the interests of justice would
43 not be served by imposition of the proscribed mandatory portions
44 of the sentence. In determining whether to apply the departure
45 from the sentence prescribed, the court shall consider:

46 (a) The defendant's age at the time of the crime and
47 the hallmark characteristics of youth, including immaturity,
48 impetuosity, and the failure to appreciate risks and consequences.

49 (b) The defendant's family and home environment in
50 which the defendant was raised, and that children generally have
51 no control over their family and home environment.

52 (c) The circumstances of the crime, including the
53 nature and extent of the defendant's participation, and the way
54 familial and peer pressures may have affected him.

55 (d) Whether or not the defendant used violence or a
56 weapon during the crime.

57 (e) Whether or not the crime resulted in a death or
58 serious bodily injury of a person not a party to the crime.

59 (f) Whether or not the person provided information or
60 assistance to a law enforcement agency, or its designee, which, in
61 the opinion of the trial judge, objectively should or would have
62 aided in the arrest or prosecution of others who participated in
63 this crime.

64 (g) The possibility of rehabilitation if alternative
65 sentencing is imposed.

66 The defendant and prosecution shall have adequate opportunity
67 to develop and make a record of all information relevant to
68 sentencing.

69 The court shall specify on the record and in the sentencing
70 order the reasons for granting or denying the departure.

71 **SECTION 2.** Section 99-35-101, Mississippi Code of 1972, is
72 amended as follows:

73 99-35-101. (1) Any person convicted of an offense in a
74 circuit court may appeal the conviction and/or sentence imposed to
75 the Supreme Court. However, where the defendant enters a plea of
76 guilty and is sentenced consistent with an agreement between the

77 defendant and the prosecutor, then no appeal from the circuit
78 court to the Supreme Court shall be allowed.

79 (2) In reviewing a sentence pursuant to paragraph (1) of
80 this statute, the Supreme Court shall determine if there is
81 unjustified sentence disparity. To determine disparity the
82 Supreme Court shall consider all evidence presented by the parties
83 including statistical evidence or aggregate data and compare the
84 sentence in the case being reviewed with the sentence imposed on
85 all convicted of the same crime taking into consideration a
86 defendant's role in the crime, the defendant's criminal history,
87 the defendant's social history including defendant's age, race,
88 color, religion, sex, national origin or economic status. The
89 Supreme Court shall also consider whether the defendant's exercise
90 of constitutional rights, particularly the right to a trial by
91 jury, resulted in sentencing disparity.

92 (3) If the court determines that there is an unjustified
93 sentence disparity the court shall remand the matter to the
94 sentencing court for resentencing.

95 **SECTION 3.** Confidential informants shall be at least
96 eighteen (18) years of age, and notified of their right to contact
97 an attorney, and one or both parents if under the age of
98 twenty-one (21), and all notifications shall happen at least
99 twenty-four (24) hours before they agree to serve. Any deal,
100 arrangement, or agreement must be detailed and in writing, and the
101 constitutional right to contact an attorney shall not be abridged
102 or undermined, and exercising this right shall incur no negative

103 consequences on any deal, arrangement, or agreement regarding
104 informant work. To protect the safety of the individuals
105 involved, informants may make no more than one (1) sale, purchase,
106 or transfer from any individual person.

107 **SECTION 4.** This act shall take effect and be in force from
108 and after July 1, 2023, and shall stand repealed on June 30, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 97-17-42, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE CRIME OF MOTOR VEHICLE THEFT SHALL BE A
3 FELONY; TO REVISE THE PENALTIES FOR THE COMMISSION OF MOTOR
4 VEHICLE THEFT; TO PROVIDE THAT THE MINIMUM TERMS IMPOSED UNDER
5 THIS SECTION SHALL NOT BE REDUCED, SUSPENDED OR ELIGIBLE FOR
6 PROBATION OR PAROLE UNLESS THE SENTENCING JUDGE FUNDS CERTAIN
7 CIRCUMSTANCES; TO AMEND SECTION 99-35-101, MISSISSIPPI CODE OF
8 1972, TO AUTHORIZE APPEALS OF CRIMINAL SENTENCES; AND FOR RELATED
9 PURPOSES.

HR43\SB2099A.1J

Andrew Ketchings
Clerk of the House of Representatives