

Senate Amendments to House Bill No. 405

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE 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 99-1-5, Mississippi Code of 1972, as
12 amended by Senate Bill No. 2337, 2023 Regular Session, is amended
13 as follows:
14 99-1-5. (1) (a) The passage of time shall never bar
15 prosecution against any person for the offenses of murder,
16 manslaughter, aggravated assault, aggravated domestic violence,
17 kidnapping, arson, burglary, forgery, counterfeiting, robbery,
18 larceny, rape, embezzlement, obtaining money or property under
19 false pretenses or by fraud, felonious abuse or battery of a child
20 as described in Section 97-5-39, touching or handling a child for
21 lustful purposes as described in Section 97-5-23, sexual battery
22 of a child as described in Section 97-3-95(1)(c), (d) or (2),
23 exploitation of children as described in Section 97-5-33,
24 promoting prostitution under Section 97-29-51(2) when the person
25 involved is a minor, or any human trafficking offense as described
26 in Section 97-3-54.1(1)(a), (1)(b) or (1)(c), Section 97-3-54.2,
27 or Section 97-3-54.3.

28 (b) A person shall not be prosecuted * * * for
29 felonious assistance-program fraud, as described in Section
30 97-19-71, or for felonious abuse of vulnerable persons, as
31 described in Sections 43-47-18 and 43-47-19, unless the
32 prosecution for the offense is commenced within five (5) years
33 next after the commission thereof.

34 (c) A person shall not be prosecuted for larceny of
35 timber as described in Section 97-17-59, unless the prosecution
36 for the offense is commenced within six (6) years next after the
37 commission thereof.

38 (d) The time limitation on prosecution for conspiracy,
39 as described in Section 97-1-1, shall be the same as for the
40 underlying offense for which the defendant is accused of
41 conspiring to commit.

42 (e) A person shall not be prosecuted for bribery as
43 defined in Section 97-11-11, unless the prosecution for the
44 offense is commenced within five (5) years after the commission
45 thereof.

46 (2) A person shall not be prosecuted for any other offense
47 not listed in this section unless the prosecution for the offense
48 is commenced within two (2) years next after the commission
49 thereof.

50 (3) Nothing contained in this section shall bar any
51 prosecution against any person who shall abscond or flee from
52 justice, or shall absent himself from this state or out of the
53 jurisdiction of the court, or so conduct himself that he cannot be

54 found by the officers of the law, or that process cannot be served
55 upon him.

56 **SECTION 2.** Section 97-11-11, Mississippi Code of 1972, is
57 amended as follows:

58 97-11-11. (1) Every person who shall promise, offer or give
59 to any officer, agent or trustee, either public or private, while
60 holding such office, agency or trust, or after he has become a
61 candidate or applicant for the same, any money, goods, chattels,
62 right in action, or other property, real or personal, with intent
63 to influence his vote, opinion, action or judgment on any
64 question, matter, cause or proceeding which may be then pending,
65 or may be thereafter subject to vote, opinion, action or judgment
66 of such officer, agent or trustee, shall, on conviction, be
67 imprisoned in the Penitentiary not less than five (5) years but
68 not more than * * * twenty (20) years, or fined not more
69 than * * * Ten Thousand Dollars (\$10,000.00), or both, and shall
70 be forever disqualified from holding any public office, trust or
71 appointment, and shall forfeit his office, if any be held.

72 (2) Notwithstanding any other law to the contrary, the
73 minimum terms imposed under this section shall not be reduced or
74 suspended nor shall such person be eligible for probation or
75 parole before the expiration of the minimum term of incarceration.

76 **SECTION 3.** Section 97-11-13, Mississippi Code of 1972, is
77 amended as follows:

78 97-11-13. (1) If any officer, agent or trustee shall accept
79 any gift, offer or promise, prohibited by Section 97-11-11, he

80 shall, on conviction, be forever disqualified from holding any
81 public office, trust or appointment, and shall forfeit his office,
82 if any be held, and be imprisoned in the Penitentiary not less
83 than five (5) years but not more than * * * twenty (20) years, or
84 be fined not more than * * * Ten Thousand Dollars (\$10,000.00), or
85 both.

86 (2) Notwithstanding any other law to the contrary, the
87 minimum terms imposed under this section shall not be reduced or
88 suspended nor shall such person be eligible for probation or
89 parole before the expiration of the minimum term of incarceration.

90 **SECTION 4.** Section 97-11-53, Mississippi Code of 1972, is
91 amended as follows:

92 97-11-53. As used in this section the following words shall
93 have the following meaning:

94 * * * (a) Person: individual, firm, corporation,
95 association, partnership or other legal entity.

96 * * * (b) Public official:

97 * * * (i) Any elected official of the State of
98 Mississippi or of any political subdivision thereof, or

99 * * * (ii) Any officer, director, commissioner,
100 supervisor, chief, head, agent or employee of:

101 * * * 1. The State of Mississippi,

102 * * * 2. Any agency of the State of
103 Mississippi,

104 * * * 3. Any political subdivision of the
105 State of Mississippi,

106 * * *4. Any body politic of the State of
107 Mississippi, or

108 * * *5. Any entity created by or under the
109 laws of the State of Mississippi or by executive order of the
110 Governor of the State of Mississippi and which expends public
111 funds.

112 No person shall directly or indirectly offer, promise, give
113 or agree to give to any public official or his spouse any money,
114 property, or other tangible or intangible thing of value as an
115 inducement or incentive for (a) the awarding or refusal to award a
116 contract by any of the entities referred to in * * * items 1
117 through * * * 5 of * * * paragraph (b)(ii) of this section; (b)
118 the purchase, sale or lease of property by any of the entities
119 referred to in * * * items 1 through * * * 5 of * * * paragraph
120 (b)(ii) of this section; or (c) the accomplishment of any official
121 act or purpose involving public funds or public trust.

122 Any person who violates the terms of this section shall be
123 guilty of a felony and shall, upon conviction, be imprisoned in
124 the * * * Mississippi Department of Corrections not less than five
125 (5) years but not more than * * * twenty (20) years, or be fined
126 not more than * * * Ten Thousand Dollars (10,000.00), or both; and
127 in addition such person and the firm, corporation, partnership,
128 association or other type of business entity which he represents
129 shall be barred for a period of five (5) years from the date of
130 conviction from doing business with the State of Mississippi or

131 any political subdivision thereof or any other public entity
132 referred to in this section.

133 No public official shall directly or indirectly accept,
134 receive, offer to receive or agree to receive any gift, offer, or
135 promise of any money, property or other tangible or intangible
136 thing of value as an inducement or incentive for (a) the awarding
137 or refusal to award a contract by any of the entities referred to
138 in * * * items 1 through * * * 5 of * * * paragraph (b) (ii) of
139 this section; (b) the purchase, sale or lease of property by any
140 of the entities referred to in * * * items 1 through * * * 5
141 of * * * paragraph (b) (ii) of this section; or (c) the
142 accomplishment of any official act or purpose involving public
143 funds or public trust.

144 Any public official who violates the terms of this section or
145 whose spouse does so with his knowledge and consent, shall be
146 guilty of a felony and shall, upon conviction, be imprisoned in
147 the Penitentiary not less than five (5) years but not more
148 than * * * twenty (20) years, or be fined not more than * * * Ten
149 Thousand Dollars (\$10,000.00), or both; and in addition, upon
150 conviction such public official shall forfeit his office, if any
151 he hold, and be forever disqualified from holding any public
152 office, trust, appointment or employment with the State of
153 Mississippi or any political subdivision thereof or with any other
154 public entity referred to in this section.

155 Each violation of the provisions of this section shall
156 constitute a separate offense. Notwithstanding any other law to

157 the contrary, the minimum terms imposed under this section shall
158 not be reduced or suspended nor shall such person be eligible for
159 probation or parole before the expiration of the minimum term of
160 incarceration.

161 **SECTION 5.** Section 97-1-5, Mississippi Code of 1972, is
162 amended as follows:

163 97-1-5. (1) Every person who shall be convicted of having
164 concealed, received, or relieved any felon, or having aided or
165 assisted any felon, knowing that the person had committed a
166 felony, with intent to enable the felon to escape or to avoid
167 arrest, trial, conviction or punishment after the commission of
168 the felony, on conviction thereof shall be imprisoned in the
169 custody of the Department of Corrections as follows:

170 (a) If the felony was a violent crime:

171 (i) If the maximum punishment was life, death or
172 twenty (20) years or more, for a period not to exceed twenty (20)
173 years; or

174 (ii) If the maximum punishment for the violent
175 felony was less than twenty (20) years, for a period not to exceed
176 the maximum punishment.

177 (b) If the felony was a nonviolent crime other than the
178 crimes listed in 97-1-5(1)(c):

179 (i) If the maximum punishment for the nonviolent
180 felony was ten (10) years or more, for a period not to exceed ten
181 (10) years; or

182 (ii) If the maximum punishment for the nonviolent
183 felony was less than ten (10) years, for a period not to exceed
184 the maximum punishment.

185 (c) If the felony was a crime provided for in Section
186 97-11-11, 97-11-13 or 97-11-53 for a period not less than five (5)
187 years but not exceeding twenty (20) years or by a fine of not more
188 than Ten Thousand Dollars (\$10,000.00), or both.

189 (2) For the purposes of this section, "violent crime" means
190 homicide, robbery, manslaughter, sex crimes, burglary of an
191 occupied dwelling, aggravated assault, kidnapping, drive-by
192 shooting, armed robbery, felonious abuse of a vulnerable person,
193 felonies subject to an enhanced penalty, felony child abuse or
194 exploitation, or any violation of Section 97-5-33 relating to
195 exploitation of children, Section 97-5-39(1)(b), 97-5-39(1)(c) or
196 97-5-39(2) relating to child neglect or abuse, or Section
197 63-11-30(5) relating to aggravated DUI.

198 (3) In the prosecution of an offense under this section, it
199 shall not be necessary to aver in the indictment or to prove on
200 the trial that the principal has been convicted or tried.

201 (4) Notwithstanding any other law to the contrary, the
202 minimum terms imposed under Section 97-1-5(1)(c) shall not be
203 reduced or suspended nor shall such person be eligible for
204 probation or parole before the expiration of the minimum term of
205 incarceration.

206 **SECTION 6.** This act shall take effect and be in force from
207 and after July 1, 2023.

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

1 AN ACT TO AMEND SECTION 99-1-5, MISSISSIPPI CODE OF 1972, AS
2 AMENDED BY SENATE BILL NO. 2337, 2023 REGULAR SESSION, TO REVISE
3 THE STATUTE OF LIMITATIONS FOR BRIBERY TO FIVE YEARS; TO AMEND
4 SECTIONS 97-11-11, 97-11-13, 97-11-53 AND 97-1-5, MISSISSIPPI CODE
5 OF 1972, TO REVISE THE PENALTIES FOR THE COMMISSION OF BRIBERY
6 CRIMES, INCLUDING ACCESSORY AFTER THE FACT; TO PROVIDE THAT THE
7 MINIMUM TERMS IMPOSED FOR THE COMMISSION OF BRIBERY CRIMES SHALL
8 NOT BE REDUCED, SUSPENDED OR ELIGIBLE FOR PROBATION OR PAROLE; AND
9 FOR RELATED PURPOSES.

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Eugene S. Clarke
Secretary of the Senate