

**Adopted  
AMENDMENT NO 1 TO AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 405**

**BY: Senator(s) Sparks**

1           **AMEND by inserting the following sections below line 50 and**  
2 **renumber subsequent sections:**

3           **SECTION \*.** Section 97-11-11, Mississippi Code of 1972, is  
4 amended as follows:

5           97-11-11. (1) Every person who shall promise, offer or give  
6 to any officer, agent or trustee, either public or private, while  
7 holding such office, agency or trust, or after he has become a  
8 candidate or applicant for the same, any money, goods, chattels,  
9 right in action, or other property, real or personal, with intent  
10 to influence his vote, opinion, action or judgment on any  
11 question, matter, cause or proceeding which may be then pending,  
12 or may be thereafter subject to vote, opinion, action or judgment  
13 of such officer, agent or trustee, shall, on conviction, be  
14 imprisoned in the Penitentiary not less than five (5) years but



15 not more than \* \* \* twenty (20) years, or fined not more  
16 than \* \* \* Ten Thousand Dollars (\$10,000.00), or both, and shall  
17 be forever disqualified from holding any public office, trust or  
18 appointment, and shall forfeit his office, if any be held.

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

23 **SECTION \*.** Section 97-11-13, Mississippi Code of 1972, is  
24 amended as follows:

25 97-11-13. (1) If any officer, agent or trustee shall accept  
26 any gift, offer or promise, prohibited by Section 97-11-11, he  
27 shall, on conviction, be forever disqualified from holding any  
28 public office, trust or appointment, and shall forfeit his office,  
29 if any be held, and be imprisoned in the Penitentiary not less  
30 than five (5) years but not more than \* \* \* twenty (20) years, or  
31 be fined not more than \* \* \* Ten Thousand Dollars (\$10,000.00), or  
32 both.

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

37 **SECTION \*.** Section 97-11-53, Mississippi Code of 1972, is  
38 amended as follows:



39           97-11-53. As used in this section the following words shall  
40 have the following meaning:

41           (1) Person: individual, firm, corporation,  
42 association, partnership or other legal entity.

43           (2) Public official:

44           (a) Any elected official of the State of  
45 Mississippi or of any political subdivision thereof, or

46           (b) Any officer, director, commissioner,  
47 supervisor, chief, head, agent or employee of:

48                   (i) The State of Mississippi,

49                   (ii) Any agency of the State of Mississippi,

50                   (iii) Any political subdivision of the State  
51 of Mississippi,

52                   (iv) Any body politic of the State of  
53 Mississippi, or

54                   (v) Any entity created by or under the laws  
55 of the State of Mississippi or by executive order of the Governor  
56 of the State of Mississippi and which expends public funds.

57           No person shall directly or indirectly offer, promise, give  
58 or agree to give to any public official or his spouse any money,  
59 property, or other tangible or intangible thing of value as an  
60 inducement or incentive for (a) the awarding or refusal to award a  
61 contract by any of the entities referred to in subsections (i)  
62 through (v) of subsection 2 b of this section; (b) the purchase,  
63 sale or lease of property by any of the entities referred to in



64 subsections (i) through (v) of subsection 2 b of this section; or  
65 (c) the accomplishment of any official act or purpose involving  
66 public funds or public trust.

67 Any person who violates the terms of this section shall be  
68 guilty of a felony and shall, upon conviction, be imprisoned in  
69 the \* \* \* Mississippi Department of Corrections not less than five  
70 (5) years but not more than \* \* \* twenty (20) years, or be fined  
71 not more than \* \* \* Ten Thousand Dollars (10,000.00), or both; and  
72 in addition such person and the firm, corporation, partnership,  
73 association or other type of business entity which he represents  
74 shall be barred for a period of five (5) years from the date of  
75 conviction from doing business with the State of Mississippi or  
76 any political subdivision thereof or any other public entity  
77 referred to in this section.

78 No public official shall directly or indirectly accept,  
79 receive, offer to receive or agree to receive any gift, offer, or  
80 promise of any money, property or other tangible or intangible  
81 thing of value as an inducement or incentive for (a) the awarding  
82 or refusal to award a contract by any of the entities referred to  
83 in subsections (i) through (v) of subsection 2 b of this section;  
84 (b) the purchase, sale or lease of property by any of the entities  
85 referred to in subsections (i) through (v) of subsection 2 b of  
86 this section; or (c) the accomplishment of any official act or  
87 purpose involving public funds or public trust.



88 Any public official who violates the terms of this section or  
89 whose spouse does so with his knowledge and consent, shall be  
90 guilty of a felony and shall, upon conviction, be imprisoned in  
91 the Penitentiary not less than five (5) years but not more  
92 than \* \* \* twenty (20) years, or be fined not more than \* \* \* Ten  
93 Thousand Dollars (\$10,000.00), or both; and in addition, upon  
94 conviction such public official shall forfeit his office, if any  
95 he hold, and be forever disqualified from holding any public  
96 office, trust, appointment or employment with the State of  
97 Mississippi or any political subdivision thereof or with any other  
98 public entity referred to in this section.

99 Each violation of the provisions of this section shall  
100 constitute a separate offense. Notwithstanding any other law to  
101 the contrary, the minimum terms imposed under this section shall  
102 not be reduced or suspended nor shall such person be eligible for  
103 probation or parole before the expiration of the minimum term of  
104 incarceration.

105 **SECTION \*.** Section 97-1-5, Mississippi Code of 1972, is  
106 amended as follows:

107 97-1-5. (1) Every person who shall be convicted of having  
108 concealed, received, or relieved any felon, or having aided or  
109 assisted any felon, knowing that the person had committed a  
110 felony, with intent to enable the felon to escape or to avoid  
111 arrest, trial, conviction or punishment after the commission of



112 the felony, on conviction thereof shall be imprisoned in the  
113 custody of the Department of Corrections as follows:

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

115 (i) If the maximum punishment was life, death or  
116 twenty (20) years or more, for a period not to exceed twenty (20)  
117 years; or

118 (ii) If the maximum punishment for the violent  
119 felony was less than twenty (20) years, for a period not to exceed  
120 the maximum punishment.

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

123 (i) If the maximum punishment for the nonviolent  
124 felony was ten (10) years or more, for a period not to exceed ten  
125 (10) years; or

126 (ii) If the maximum punishment for the nonviolent  
127 felony was less than ten (10) years, for a period not to exceed  
128 the maximum punishment.

129 (c) If the felony was a crime provided for in Section  
130 97-11-11, 97-11-13 or 97-11-53 for a period not less than five (5)  
131 years but not exceeding twenty (20) years or by a fine of not more  
132 than Ten Thousand Dollars (\$10,000.00), or both.

133 (2) For the purposes of this section, "violent crime" means  
134 homicide, robbery, manslaughter, sex crimes, burglary of an  
135 occupied dwelling, aggravated assault, kidnapping, drive-by  
136 shooting, armed robbery, felonious abuse of a vulnerable person,



137 felonies subject to an enhanced penalty, felony child abuse or  
138 exploitation, or any violation of Section 97-5-33 relating to  
139 exploitation of children, Section 97-5-39(1)(b), 97-5-39(1)(c) or  
140 97-5-39(2) relating to child neglect or abuse, or Section  
141 63-11-30(5) relating to aggravated DUI.

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

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

150 **FURTHER, AMEND by technically renumbering Section 97-11-53.**

151 **FURTHER, AMEND the title to conform.**

