

By: Representative Denton

To: Judiciary A

HOUSE BILL NO. 1597

1 AN ACT TO BRING FORWARD SECTION 99-19-18, MISSISSIPPI CODE OF  
 2 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTION  
 3 97-11-53, MISSISSIPPI CODE OF 1972, TO MAKE MINOR, NONSUBSTANTIVE  
 4 CHANGES; TO BRING FORWARD SECTIONS 97-11-31, 97-11-13, 97-11-25  
 5 AND 97-11-27, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF  
 6 POSSIBLE AMENDMENT; TO AMEND SECTION 97-11-29, MISSISSIPPI CODE OF  
 7 1972, TO MAKE MINOR, NONSUBSTANTIVE CHANGES; TO BRING FORWARD  
 8 SECTIONS 97-11-33 AND 97-17-41, MISSISSIPPI CODE OF 1972, FOR THE  
 9 PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTIONS 97-17-43 AND  
 10 97-23-19, MISSISSIPPI CODE OF 1972, TO MAKE MINOR, NONSUBSTANTIVE  
 11 CHANGES; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 99-19-18, Mississippi Code of 1972, is  
 14 brought forward as follows:

15 99-19-18. When any person is convicted of a felony or  
 16 felonies in which public funds in the amount of Ten Thousand  
 17 Dollars (\$10,000.00) or more were unlawfully taken, obtained or  
 18 misappropriated, the sentence imposed by the court shall include a  
 19 minimum term of imprisonment of one (1) year in the custody of the  
 20 Department of Corrections. Notwithstanding any other law to the  
 21 contrary, such mandatory minimum term shall not be reduced or



22 suspended nor shall such person be eligible for probation or  
23 parole before the expiration of one (1) year of incarceration.

24 **SECTION 2.** Section 97-11-53, Mississippi Code of 1972, is  
25 amended as follows:

26 97-11-53. As used in this section the following words shall  
27 have the following meaning:

28 \* \* \* (a) Person: individual, firm, corporation,  
29 association, partnership or other legal entity.

30 \* \* \* (b) Public official:

31 \* \* \* (i) Any elected official of the State of  
32 Mississippi or of any political subdivision thereof, or

33 \* \* \* (ii) Any officer, director, commissioner,  
34 supervisor, chief, head, agent or employee of:

35 \* \* \* 1. The State of Mississippi,

36 \* \* \* 2. Any agency of the State of  
37 Mississippi,

38 \* \* \* 3. Any political subdivision of the  
39 State of Mississippi,

40 \* \* \* 4. Any body politic of the State of  
41 Mississippi, or

42 \* \* \* 5. Any entity created by or under the  
43 laws of the State of Mississippi or by executive order of the  
44 Governor of the State of Mississippi and which expends public  
45 funds.



46 No person shall directly or indirectly offer, promise, give  
47 or agree to give to any public official or his spouse any money,  
48 property, or other tangible or intangible thing of value as an  
49 inducement or incentive for (a) the awarding or refusal to award a  
50 contract by any of the entities referred to in \* \* \* items 1  
51 through \* \* \* 5 of \* \* \* paragraph (b)(ii) of this section; (b)  
52 the purchase, sale or lease of property by any of the entities  
53 referred to in \* \* \* items 1 through \* \* \* 5 of \* \* \* paragraph  
54 (b)(ii) of this section; or (c) the accomplishment of any official  
55 act or purpose involving public funds or public trust.

56 Any person who violates the terms of this section shall be  
57 guilty of a felony and shall, upon conviction, be imprisoned in  
58 the Penitentiary not more than ten (10) years, or be fined not  
59 more than Five Thousand Dollars (\$5,000.00), or both; and in  
60 addition such person and the firm, corporation, partnership,  
61 association or other type of business entity which he represents  
62 shall be barred for a period of five (5) years from the date of  
63 conviction from doing business with the State of Mississippi or  
64 any political subdivision thereof or any other public entity  
65 referred to in this section.

66 No public official shall directly or indirectly accept,  
67 receive, offer to receive or agree to receive any gift, offer, or  
68 promise of any money, property or other tangible or intangible  
69 thing of value as an inducement or incentive for (a) the awarding  
70 or refusal to award a contract by any of the entities referred to



71 in \* \* \* items 1 through \* \* \* 5 of \* \* \* paragraph (b)(ii) of  
72 this section; (b) the purchase, sale or lease of property by any  
73 of the entities referred to in \* \* \* items 1 through \* \* \* 5  
74 of \* \* \* paragraph (b)(ii) of this section; or (c) the  
75 accomplishment of any official act or purpose involving public  
76 funds or public trust.

77 Any public official who violates the terms of this section or  
78 whose spouse does so with his knowledge and consent, shall be  
79 guilty of a felony and shall, upon conviction, be imprisoned in  
80 the Penitentiary not more than ten (10) years, or be fined not  
81 more than Five Thousand Dollars (\$5,000.00), or both; and in  
82 addition, upon conviction such public official shall forfeit his  
83 office, if any he hold, and be forever disqualified from holding  
84 any public office, trust, appointment or employment with the State  
85 of Mississippi or any political subdivision thereof or with any  
86 other public entity referred to in this section.

87 Each violation of the provisions of this section shall  
88 constitute a separate offense.

89 **SECTION 3.** Section 97-11-31, Mississippi Code of 1972, is  
90 brought forward as follows:

91 97-11-31. If any officer, or other person employed in any  
92 public office, shall commit any fraud or embezzlement therein, he  
93 shall be committed to the Department of Corrections for not more  
94 than ten (10) years, or be fined not more than Five Thousand  
95 Dollars (\$5,000.00), or both.



96           **SECTION 4.** Section 97-11-13, Mississippi Code of 1972, is  
97 brought forward as follows:

98           97-11-13. If any officer, agent or trustee shall accept any  
99 gift, offer or promise, prohibited by Section 97-11-11, he shall,  
100 on conviction, be forever disqualified from holding any public  
101 office, trust or appointment, and shall forfeit his office, if any  
102 be held, and be imprisoned in the Penitentiary not more than ten  
103 (10) years, or be fined not more than Five Thousand Dollars  
104 (\$5,000.00), or both.

105           **SECTION 5.** Section 97-11-25, Mississippi Code of 1972, is  
106 brought forward as follows:

107           97-11-25. If any state officer or any county officer, or an  
108 officer in any district or subdivision of a county, or an officer  
109 of any city, town or village, or a notary public, or any other  
110 person holding any public office or employment, or any executor,  
111 administrator or guardian, or any trustee of an express trust, any  
112 master or commissioner or receiver, or any attorney at law or  
113 solicitor, or any bank or collecting agent, or other person  
114 engaged in like public employment, or any other person undertaking  
115 to act for others and intrusted by them with business of any kind,  
116 or with money, shall unlawfully convert to his own use any money  
117 or other valuable thing which comes to his hands or possession by  
118 virtue of his office or employment, or shall not, when lawfully  
119 required to turn over such money or deliver such thing,  
120 immediately do so according to his legal obligation, he shall, on



121 conviction, be committed to the Department of Corrections for not  
122 more than twenty (20) years, or be fined not more than Five  
123 Thousand Dollars (\$5,000.00).

124         **SECTION 6.** Section 97-11-27, Mississippi Code of 1972, is  
125 brought forward as follows:

126         97-11-27. If any officer or agent of this state, or of any  
127 county or subdivision of a county, or of any city, town, or  
128 village therein, in whose hands money, books, records, papers, or  
129 anything else required by law to be delivered by him to his  
130 successor in office or other person authorized by law to receive  
131 or have charge of the same, may be, shall willfully and not in  
132 good faith refuse or neglect, on demand, to so deliver the same,  
133 he shall, on conviction, be imprisoned in the Penitentiary not  
134 more than ten (10) years, or be fined not more than One Thousand  
135 Dollars (\$1,000.00) and be imprisoned in the county jail not more  
136 than one (1) year.

137         **SECTION 7.** Section 97-11-29, Mississippi Code of 1972, is  
138 amended as follows:

139         97-11-29. The State Treasurer, Auditor of Public Accounts,  
140 assessors and collectors of taxes, and all other state and county  
141 officers, and officers of cities, towns and villages, shall make  
142 and keep in their offices, subject to inspection at all times, an  
143 accurate entry of each and every sum of public money, securities,  
144 stocks, or other public money whatever, by them received,  
145 transferred, or disbursed; and if any of said officers, either



146 municipal, county or state, or a clerk, agent or employee of such  
147 officers, shall willfully and fraudulently make any false entry  
148 therein or make any certificate or endorsement of any warrant on  
149 the Treasury that the same is genuine, when the same is in fact  
150 not a genuine warrant, or shall loan any portion of the  
151 public \* \* \* monies, securities, stocks, or other public  
152 property \* \* \* entrusted to him, for any purpose whatever, or  
153 shall, by willful act or omission of duty whatever, defraud, or  
154 attempt to defraud, the state, or any county, city, town or  
155 village, of any \* \* \* monies, security, or property, he shall, on  
156 conviction thereof, be guilty of embezzlement, and fined not less  
157 than double the amount or value of the \* \* \* monies, security,  
158 stock or other property so embezzled, or committed to the  
159 Department of Corrections for not more than ten (10) years, or  
160 both.

161       **SECTION 8.** Section 97-11-33, Mississippi Code of 1972, is  
162 brought forward as follows:

163       97-11-33. If any judge, justice court judge, sheriff, deputy  
164 sheriff, sheriff's employee, constable, assessor, collector,  
165 clerk, county medical examiner, county medical examiner  
166 investigator, employee of the Mississippi Department of  
167 Corrections, employee of any contractor providing incarceration  
168 services or any other officer, shall knowingly demand, take or  
169 collect, under color of his office, any money fee or reward  
170 whatever, not authorized by law, or shall demand and receive,



171 knowingly, any fee for service not actually performed, such  
172 officer, so offending, shall be guilty of extortion, and, on  
173 conviction, shall be punished by fine not exceeding Five Thousand  
174 Dollars (\$5,000.00), or imprisonment for not more than five (5)  
175 years, or both, and shall be removed from office.

176 **SECTION 9.** Section 97-17-41, Mississippi Code of 1972, is  
177 brought forward as follows:

178 97-17-41. (1) Any person who shall be convicted of taking  
179 and carrying away, feloniously, the personal property of another,  
180 of the value of One Thousand Dollars (\$1,000.00) or more, but less  
181 than Five Thousand Dollars (\$5,000.00), shall be guilty of grand  
182 larceny, and shall be imprisoned in the Penitentiary for a term  
183 not exceeding five (5) years; or shall be fined not more than Ten  
184 Thousand Dollars (\$10,000.00), or both. The total value of  
185 property taken and carried away by the person from a single victim  
186 shall be aggregated in determining the gravity of the offense.

187 (2) Any person who shall be convicted of taking and carrying  
188 away, feloniously, the personal property of another, of the value  
189 of Five Thousand Dollars (\$5,000.00) or more, but less than  
190 Twenty-five Thousand Dollars (\$25,000.00), shall be guilty of  
191 grand larceny, and shall be imprisoned in the Penitentiary for a  
192 term not exceeding ten (10) years; or shall be fined not more than  
193 Ten Thousand Dollars (\$10,000.00), or both. The total value of  
194 property taken and carried away by the person from a single victim  
195 shall be aggregated in determining the gravity of the offense.





196 (3) Any person who shall be convicted of taking and carrying  
197 away, feloniously, the personal property of another, of the value  
198 of Twenty-five Thousand Dollars (\$25,000.00) or more, shall be  
199 guilty of grand larceny, and shall be imprisoned in the  
200 Penitentiary for a term not exceeding twenty (20) years; or shall  
201 be fined not more than Ten Thousand Dollars (\$10,000.00), or both.  
202 The total value of property taken and carried away by the person  
203 from a single victim shall be aggregated in determining the  
204 gravity of the offense.

205 (4) (a) Any person who shall be convicted of taking and  
206 carrying away, feloniously, the property of a church, synagogue,  
207 temple or other established place of worship, of the value of One  
208 Thousand Dollars (\$1,000.00) or more, shall be guilty of grand  
209 larceny, and shall be imprisoned in the Penitentiary for a term  
210 not exceeding ten (10) years, or shall be fined not more than Ten  
211 Thousand Dollars (\$10,000.00), or both.

212 (b) Any person who shall be convicted of taking and  
213 carrying away, feloniously, the property of a church, synagogue,  
214 temple or other established place of worship, of the value of  
215 Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty  
216 of grand larceny, and shall be imprisoned in the Penitentiary for  
217 a term not exceeding twenty (20) years, or shall be fined not more  
218 than Ten Thousand Dollars (\$10,000.00), or both. The total value  
219 of property taken and carried away by the person from a single



220 victim shall be aggregated in determining the gravity of the  
221 offense.

222         **SECTION 10.** Section 97-17-43, Mississippi Code of 1972, is  
223 amended as follows:

224         97-17-43. (1) If any person shall feloniously take, steal  
225 and carry away any personal property of another under the value of  
226 One Thousand Dollars (\$1,000.00), he shall be guilty of petit  
227 larceny and, upon conviction, may be punished by imprisonment in  
228 the county jail not exceeding six (6) months or by a fine not  
229 exceeding One Thousand Dollars (\$1,000.00), or both, if the court  
230 finds substantial and compelling reasons why the offender cannot  
231 be safely and effectively supervised in the community, is not  
232 amenable to community-based treatment, or poses a significant risk  
233 to public safety. If such a finding is not made, the court shall  
234 suspend the sentence of imprisonment and impose a period of  
235 probation not exceeding one (1) year or a fine not exceeding One  
236 Thousand Dollars (\$1,000.00), or both. The total value of  
237 property taken, stolen or carried away by the person from a single  
238 victim shall be aggregated in determining the gravity of the  
239 offense. Any person convicted of a third or subsequent offense  
240 under this section where the value of the property is not less  
241 than Five Hundred Dollars (\$500.00), shall be imprisoned in the  
242 Penitentiary for a term not exceeding three (3) years or fined an  
243 amount not exceeding One Thousand Dollars (\$1,000.00), or both.



244 (2) If any person shall feloniously take, steal and carry  
245 away any property of a church, synagogue, temple or other  
246 established place of worship under the value of One Thousand  
247 Dollars (\$1,000.00), he shall be guilty of petit larceny and, upon  
248 conviction, may be punished by imprisonment in the county jail not  
249 exceeding one (1) year or by a fine not exceeding Two Thousand  
250 Dollars (\$2,000.00), or both, if the court finds substantial and  
251 compelling reasons why the offender cannot be safely and  
252 effectively supervised in the community, is not amenable to  
253 community-based treatment, or poses a significant risk to public  
254 safety. If such a finding is not made, the court shall suspend  
255 the sentence of imprisonment and impose a period of probation not  
256 exceeding one (1) year or a fine not exceeding Two Thousand  
257 Dollars (\$2,000.00), or both. Any person convicted of a third or  
258 subsequent offense under this section where the value of the  
259 property is not less than Five Hundred Dollars (\$500.00), shall be  
260 imprisoned in the Penitentiary for a term not exceeding three (3)  
261 years or fined an amount not exceeding Two Thousand Dollars  
262 (\$2,000.00), or both.

263 (3) Any person who leaves the premises of an establishment  
264 at which motor fuel offered for retail sale was dispensed into the  
265 fuel tank of a motor vehicle by driving away in that motor vehicle  
266 without having made due payment or authorized charge for the motor  
267 fuel so dispensed, with intent to defraud the retail  
268 establishment, shall be guilty of petit larceny and punished as



269 provided in subsection (1) of this section and, upon any second or  
270 subsequent such offense, the driver's license of the person shall  
271 be suspended as follows:

272 (a) The person shall submit the driver's license to the  
273 court upon conviction and the court shall forward the driver's  
274 license to the Department of Public Safety.

275 (b) The first suspension of a driver's license under  
276 this subsection shall be for a period of six (6) months.

277 (c) A second or subsequent suspension of a driver's  
278 license under this subsection shall be for a period of one (1)  
279 year.

280 (d) At the expiration of the suspension period, and  
281 upon payment of a restoration fee of Twenty-five Dollars (\$25.00),  
282 the suspension shall terminate and the Department of Public Safety  
283 shall return the person's driver's license to the person. The  
284 restoration fee shall be in addition to the fees provided for in  
285 Chapter 1, Title 63, \* \* \* and shall be deposited into the State  
286 General Fund in accordance with Section 45-1-23.

287 **SECTION 11.** Section 97-23-19, Mississippi Code of 1972, is  
288 amended as follows:

289 97-23-19. If any person shall embezzle or fraudulently  
290 secrete, conceal, or convert to his own use, or make way with, or  
291 secrete with intent to embezzle or convert to his own use, any  
292 goods, rights in action, money, or other valuable security,  
293 effects, or property of any kind or description which shall have



294 come or been entrusted to his care or possession by virtue of his  
295 office, position, place, or employment, either in mass or  
296 otherwise, he shall be guilty of embezzlement.

297 (a) Any person guilty of embezzlement of any goods,  
298 rights of action, money, or other valuable security, effects or  
299 property of any kind or description with a value of less than One  
300 Thousand Dollars (\$1,000.00), shall be guilty of misdemeanor  
301 embezzlement, and, upon conviction thereof, may be sentenced to a  
302 term of imprisonment in the county jail not exceeding six (6)  
303 months, or fined not more than One Thousand Dollars (\$1,000.00),  
304 or both, if the court finds substantial and compelling reasons why  
305 the offender cannot be safely and effectively supervised in the  
306 community, is not amenable to community-based treatment or poses a  
307 significant risk to public safety. If such a finding is not made,  
308 the court shall suspend the sentence of imprisonment and impose a  
309 period of probation not exceeding one (1) year or a fine of not  
310 more than One Thousand Dollars (\$1,000.00), or both. Any person  
311 convicted of a third or subsequent offense under this subsection  
312 where the value of the property is not less than Five Hundred  
313 Dollars (\$500.00), shall be imprisoned in the Penitentiary for a  
314 term not exceeding three (3) years or fined an amount not  
315 exceeding Two Thousand Dollars (\$2,000.00), or both.

316 (b) Any person guilty of embezzlement of any goods,  
317 rights in action, money, or other valuable security, effects or  
318 property of any kind or description with a value of One Thousand



319 Dollars (\$1,000.00) or more, but less than Five Thousand Dollars  
320 (\$5,000.00), shall be guilty of felony embezzlement, and, upon  
321 conviction thereof, shall be imprisoned in the custody of the  
322 Department of Corrections not more than five (5) years, or fined  
323 not more than Five Thousand Dollars (\$5,000.00), or both.

324 (c) Any person guilty of embezzlement of any goods,  
325 rights in action, money, or other valuable security, effects or  
326 property of any kind or description with a value of Five Thousand  
327 Dollars (\$5,000.00) or more, but less than Twenty-five Thousand  
328 Dollars (\$25,000.00), shall be guilty of felony embezzlement, and,  
329 upon conviction thereof, shall be imprisoned in the Penitentiary  
330 for not more than ten (10) years, or fined not more than  
331 Twenty-five Thousand Dollars (\$25,000.00), or both.

332 (d) Any person guilty of embezzlement of any goods,  
333 rights in action, money, or other valuable security, effects or  
334 property of any kind or description with a value of Twenty-five  
335 Thousand Dollars (\$25,000.00) or more, shall be guilty of felony  
336 embezzlement, and, upon conviction thereof, shall be imprisoned in  
337 the Penitentiary not more than twenty (20) years, or fined not  
338 more than Twenty-five Thousand Dollars (\$25,000.00), or both.

339 **SECTION 12.** This act shall take effect and be in force from  
340 and after July 1, 2024.

