

By: Senator(s) Fillingane, Hill, Parker, McLendon

To: Judiciary, Division B

SENATE BILL NO. 2175

1 AN ACT TO AMEND SECTION 97-17-70, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT RECEIPT OF STOLEN PROPERTY VALUED AT A CERTAIN  
3 AMOUNT SHALL BE A FELONY WITH A MANDATORY MINIMUM TERM OF  
4 IMPRISONMENT; TO PROVIDE A MANDATORY SENTENCING RANGE FOR A PERSON  
5 CONVICTED OF THE RECEIPT OF STOLEN PROPERTY WHICH IS A MOTOR  
6 VEHICLE; TO PROVIDE THAT THE MINIMUM TERMS IMPOSED UNDER THIS  
7 SECTION SHALL NOT BE REDUCED OR SUSPENDED NOR SHALL SUCH PERSON BE  
8 ELIGIBLE FOR PROBATION OR PAROLE BEFORE THE EXPIRATION OF THE  
9 MINIMUM TERM OF INCARCERATION; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 97-17-70, Mississippi Code of 1972, is  
12 amended as follows:

13 97-17-70. (1) A person commits the crime of receiving  
14 stolen property if he intentionally possesses, receives, retains  
15 or disposes of stolen property knowing that it has been stolen or  
16 having reasonable grounds to believe it has been stolen, unless  
17 the property is possessed, received, retained or disposed of with  
18 intent to restore it to the owner.

19 (2) The fact that the person who stole the property has not  
20 been convicted, apprehended or identified is not a defense to a  
21 charge of receiving stolen property.



22 (3) (a) Evidence that the person charged under this section  
23 stole the property that is the subject of the charge of receiving  
24 stolen property is not a defense to a charge under this section;  
25 however, dual charges of both stealing and receiving the same  
26 property shall not be brought against a single defendant in a  
27 single jurisdiction.

28 (b) Proof that a defendant stole the property that is  
29 the subject of a charge under this section shall be prima facie  
30 evidence that the defendant had knowledge that the property was  
31 stolen.

32 (4) Any person who shall be convicted of receiving stolen  
33 property which exceeds One Thousand Dollars (\$1,000.00) or more,  
34 but less than Five Thousand Dollars (\$5,000.00) in value and is  
35 not a motor vehicle shall be punished by imprisonment in the  
36 custody of the State Department of Corrections for a term not  
37 exceeding five (5) years or by a fine of not more than Ten  
38 Thousand Dollars (\$10,000.00), or both.

39 (5) Any person who shall be convicted of receiving stolen  
40 property which exceeds Five Thousand Dollars (\$5,000.00) or more,  
41 but less than Twenty-five Thousand Dollars (\$25,000.00) in value  
42 and is not a motor vehicle shall be punished by imprisonment in  
43 the custody of the State Department of Corrections for a term not  
44 exceeding ten (10) years or by a fine of not more than Ten  
45 Thousand Dollars (\$10,000.00), or both.



46 (6) Any person who shall be convicted of receiving stolen  
47 property which exceeds Twenty-five Thousand Dollars (\$25,000.00)  
48 in value and is not a motor vehicle shall be punished by  
49 imprisonment in the custody of the State Department of Corrections  
50 for a term not less than five (5) years but not exceeding twenty  
51 (20) years or by a fine of not more than Ten Thousand Dollars  
52 (\$10,000.00), or both.

53 (7) Any person who shall be convicted of receiving stolen  
54 property which does not exceed One Thousand Dollars (\$1,000.00) in  
55 value and is not a motor vehicle may be punished by imprisonment  
56 in the county jail for not more than six (6) months or by a fine  
57 of not more than One Thousand Dollars (\$1,000.00), or both, if the  
58 court finds substantial and compelling reasons why the offender  
59 cannot be safely and effectively supervised in the community, is  
60 not amenable to community-based treatment, or poses a significant  
61 risk to public safety. If such a finding is not made, the court  
62 shall suspend the sentence of imprisonment and impose a period of  
63 probation not exceeding one (1) year or a fine of not more than  
64 One Thousand Dollars (\$1,000.00), or both. Any person convicted  
65 of a third or subsequent offense under this subsection where the  
66 value of the property is not less than Five Hundred Dollars  
67 (\$500.00), shall be imprisoned in the Penitentiary for a term not  
68 exceeding three (3) years or fined an amount not exceeding One  
69 Thousand Dollars (\$1,000.00), or both.



70       (8) Any person who shall be convicted of receiving stolen  
71 property which is a motor vehicle under this section shall be  
72 punished by imprisonment in the custody of the State Department of  
73 Corrections for a term not less than five (5) years but not  
74 exceeding twenty (20) years or by a fine of not more than Ten  
75 Thousand Dollars (\$10,000.00), or both.

76       (9) Notwithstanding any other law to the contrary, the  
77 minimum terms imposed under subsections (6) and (8) of this  
78 section shall not be reduced or suspended nor shall such person be  
79 eligible for probation or parole before the expiration of the  
80 minimum term of incarceration.

81       **SECTION 2.** This act shall take effect and be in force from  
82 and after July 1, 2024.

