

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.

