

House Amendments to Senate Bill No. 2175

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 2

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

10 97-17-70. (1) A person commits the crime of receiving
11 stolen property if he intentionally possesses, receives, retains
12 or disposes of stolen property knowing that it has been stolen or
13 having reasonable grounds to believe it has been stolen, unless
14 the property is possessed, received, retained or disposed of with
15 intent to restore it to the owner.

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

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

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

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

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

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

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

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

73 **SECTION 2.** This act shall take effect and be in force from
74 and after July 1, 2024, and shall stand repealed on June 30, 2024.

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

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; AND FOR RELATED PURPOSES.

HR43\SB2175A.1J

Andrew Ketchings
Clerk of the House of Representatives