

By: Senator(s) Dearing

To: Judiciary

SENATE BILL NO. 2504  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 45-35-13 AND 63-1-60, MISSISSIPPI  
2 CODE OF 1972, TO INCREASE THE PENALTIES THAT MAY BE IMPOSED UPON  
3 CONVICTION OF A PERSON TWENTY-ONE YEARS OF AGE OR OLDER FOR  
4 UNLAWFULLY PHOTOGRAPHING, REPRODUCING, MANUFACTURING, SELLING OR  
5 DISTRIBUTING AN IDENTIFICATION CARD OR DRIVER'S LICENSE ISSUED BY  
6 THE DEPARTMENT OF PUBLIC SAFETY; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 45-35-13, Mississippi Code of 1972, is  
9 amended as follows:

10 45-35-13. (1) No person shall:

11 (a) Display, or cause or permit to be displayed, or  
12 have in his possession, any cancelled, fictitious, fraudulently  
13 altered or fraudulently obtained identification cards;

14 (b) Lend an identification card to any person or  
15 knowingly permit the use thereof by another;

16 (c) Display or represent any identification card not  
17 issued to him as being his card;

18 (d) Permit any unlawful use of an identification card  
19 issued to him;

20 (e) Do any act forbidden or fail to perform any act  
21 required by this chapter; \* \* \*

22 (f) Photograph, photostat, duplicate or in any way  
23 reproduce, manufacture, sell or distribute any identification card  
24 or facsimile thereof so that it could be mistaken for a valid  
25 identification card; or

26 (g) Display or have in his possession any \* \* \*  
27 photograph, photostat, duplicate, reproduction or facsimile of an

28 identification card unless authorized by the provisions of this  
29 chapter.

30 (2) Any person convicted of a violation of any provision of  
31 paragraphs (a), (b), (c), (d), (e) or (g) of subsection (1) of  
32 this section is guilty of a misdemeanor and shall be punished by a  
33 fine of not more than Five Hundred Dollars (\$500.00) or by  
34 imprisonment for not more than thirty (30) days, or by both such  
35 fine and imprisonment.

36 (3) Any person under twenty-one (21) years of age at the  
37 time of the offense who is convicted of a violation of paragraph  
38 (f) of subsection (1) of this section shall be punished as  
39 follows:

40 (a) A first offense shall be a misdemeanor punishable  
41 by a fine of not more than Five Hundred Dollars (\$500.00), or by  
42 imprisonment for not more than six (6) months, or by both such  
43 fine and imprisonment.

44 \* \* \*

45 (b) A second or subsequent offense, the offenses being  
46 committed within a period of five (5) years, shall be a  
47 misdemeanor punishable by a fine of not more than Five Thousand  
48 Dollars (\$5,000.00), or by imprisonment for not more than one (1)  
49 year, or by both such fine and imprisonment.

50 (4) Any person twenty-one (21) years of age or older at the  
51 time of the offense who is convicted of a violation of paragraph  
52 (f) of subsection (1) of this section is guilty of a felony and  
53 shall be punished by a fine of not less than Five Thousand Dollars  
54 (\$5,000.00), or imprisonment for not more than three (3) years, or  
55 by both such fine and imprisonment.

56 SECTION 2. Section 63-1-60, Mississippi Code of 1972, is  
57 amended as follows:

58 63-1-60. (1) It shall be unlawful for any person:

59           (a) To display, cause or permit to be displayed, or  
60 have in his possession, any fictitious, fraudulently altered or  
61 fraudulently obtained driver's license;

62           (b) To display or represent any driver's license not  
63 issued to him as being his own driver's license;

64           (c) To photograph, photostat, duplicate or in any way  
65 reproduce, manufacture, sell or distribute or alter any driver's  
66 license, or facsimile thereof, in such a manner that it could be  
67 mistaken for a valid driver's license;

68           (d) To display or have in his possession any  
69 photograph, photostat, duplicate, reproduction or facsimile of a  
70 driver's license unless authorized by law; or

71           (e) To take a driver's license examination for another  
72 or to use any other name, other than his own, on the driver's  
73 license application in an attempt to take the driver's license  
74 examination for another.

75           (2) Any person convicted of a violation of paragraph (a),  
76 (b), (d) or (e) of subsection (1) of this section shall be guilty  
77 of a misdemeanor and shall be punished by a fine of not more than  
78 Five Hundred Dollars (\$500.00), or by imprisonment for not more  
79 than thirty (30) days, or by both such fine and imprisonment.

80           (3) Any person under twenty-one (21) years of age at the  
81 time of the offense who is convicted of a violation of paragraph  
82 (c) of subsection (1) of this section shall be punished as  
83 follows:

84           (a) A first offense shall be a misdemeanor punishable  
85 by a fine of not more than Five Hundred Dollars (\$500.00), or by  
86 imprisonment for not more than six (6) months, or by both such  
87 fine and imprisonment.

88           \* \* \*

89           (b) A second or subsequent offense, the offenses being  
90 committed within a period of five (5) years, shall be a  
91 misdemeanor punishable by a fine of not more than Five Thousand

92 Dollars (\$5,000.00), or by imprisonment for not more than one (1)  
93 year, or by both such fine and imprisonment.

94 (4) Any person twenty-one (21) years of age or older at the  
95 time of the offense who is convicted of a violation of paragraph  
96 (c) of subsection (1) of this section is guilty of a felony and  
97 shall be punished by a fine of not less than Five Thousand Dollars  
98 (\$5,000.00), or imprisonment for not more than three (3) years, or  
99 by both such fine and imprisonment.

100 SECTION 3. This act shall take effect and be in force from  
101 and after July 1, 2001.