

By: Senator(s) Hamilton, Browning, Ross

To: Judiciary

SENATE BILL NO. 2518

1 AN ACT TO CODIFY SECTION 97-27-10, MISSISSIPPI CODE OF 1972,
 2 TO DEFINE CERTAIN TERMS; TO AMEND SECTION 97-27-11, MISSISSIPPI
 3 CODE OF 1972, TO PROHIBIT THE INTRODUCTION OF HARMFUL BIOLOGICAL
 4 SUBSTANCES INTO MISSISSIPPI, TO PROHIBIT THE UNLAWFUL POSSESSION
 5 OF SUCH HARMFUL BIOLOGICAL SUBSTANCES, AND TO INCREASE THE
 6 PENALTIES ASSOCIATED WITH SUCH PROHIBITED ACTS; TO CODIFY SECTION
 7 97-27-12, MISSISSIPPI CODE OF 1972, TO MAKE UNLAWFUL THE
 8 PERFORMING OF AN ACT INTENDED TO CAUSE A PERSON TO FALSELY BELIEVE
 9 THAT THE PERSON HAS BEEN EXPOSED TO A HARMFUL BIOLOGICAL, CHEMICAL
 10 OR RADIOLOGICAL SUBSTANCE OR DEVICE, TO PROVIDE CRIMINAL PENALTIES
 11 AND TO IMPOSE THE COSTS OF INDIVIDUAL AND GOVERNMENTAL RESPONSE TO
 12 SUCH UNLAWFUL ACTS; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** The following shall be codified as Section
 15 97-27-10, Mississippi Code of 1972:

16 97-27-10. As used in Sections 97-27-10 through 97-27-12:

17 (a) "Harmful biological substance" means a bacteria,
 18 virus or other microorganism or a toxic substance derived from or
 19 produced by an organism that can be used to cause death, injury or
 20 disease in humans, animals or plants.

21 (b) "Harmful biological device" means a device designed
 22 or intended to release a harmful biological substance.

23 (c) "Harmful chemical substance" means a solid, liquid,
 24 or gas that through its chemical or physical properties, along or
 25 in combination with one or more other chemical substances, can be
 26 used to cause death, injury or disease in humans, animals or
 27 plants.

28 (d) "Harmful chemical device" means a device that is
 29 designed or intended to release a harmful chemical substance.

30 (e) "Harmful radioactive material" means material that
 31 is radioactive and that can be used to cause death, injury or
 32 disease in humans, animals or growing plants by its radioactivity.



33 (f) "Harmful radioactive device" means a device that is
34 designed or intended to release a harmful radioactive material.

35 **SECTION 2.** Section 97-27-11, Mississippi Code of 1972, is
36 amended as follows:

37 97-27-11. (1) It shall be unlawful for any person to
38 willfully and knowingly import, bring or send into this state a
39 harmful biological substance including smallpox, anthrax or any
40 other contagious or infectious disease * * *, with the design to
41 unlawfully spread the same or assist in spreading the same with
42 intent to cause harm to human, animal or plant life and it shall
43 likewise be unlawful for any person to develop, manufacture or
44 possess such harmful biological substances, except for purposes
45 authorized by law.

46 (2) A person convicted of subsection (1) shall be guilty of
47 a felony and, upon conviction, shall be fined not more than One
48 Hundred Thousand Dollars (\$100,000.00), and be imprisoned not more
49 than twenty (20) years in the State Penitentiary, or both.

50 **SECTION 3.** The following shall be codified as Section
51 97-27-12, Mississippi Code of 1972:

52 97-27-12. (1) It shall be unlawful for any person to commit
53 an act intended to cause another person or persons to falsely
54 believe that said person or persons have been exposed to a harmful
55 biological substance, harmful biological device, harmful chemical
56 substance, harmful chemical device, harmful radioactive material
57 or harmful radioactive device.

58 (2) Any person convicted of subsection (1) of this section
59 shall be guilty of a felony, and, upon conviction, shall be
60 punished by imprisonment in the State Penitentiary for not more
61 than five (5) years or shall be fined not more than Ten Thousand
62 Dollars (\$10,000.00), or both.

63 (3) In addition to any such imprisonment and/or fine which
64 may be imposed upon a violation of subsection (1) of this section,
65 the court shall also order that any person convicted for such



66 violation shall reimburse any individual or governmental agency
67 for the expenses incurred as a result of the violation.

68 **SECTION 4.** This act shall take effect and be in force from
69 and after its passage.

