

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2446

1 AN ACT TO AMEND SECTION 97-1-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE CRIME OF CONSPIRACY TO INCLUDE ALL CONTROLLED SUBSTANCE
3 VIOLATIONS TO DRAW THE ENHANCED PENALTY; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-1-1, Mississippi Code of 1972, is
6 amended as follows:

7 97-1-1. If two (2) or more persons conspire either:

8 (a) To commit a crime; or

9 (b) Falsely and maliciously to indict another for a
10 crime, or to procure to be complained of or arrested for a crime;
11 or

12 (c) Falsely to institute or maintain an action or suit
13 of any kind; or

14 (d) To cheat and defraud another out of property by any
15 means which are in themselves criminal, or which, if executed,
16 would amount to a cheat, or to obtain money or any other property
17 or thing by false pretense; or

18 (e) To prevent another from exercising a lawful trade
19 or calling, or doing any other lawful act, by force, threats,
20 intimidation, or by interfering or threatening to interfere with
21 tools, implements, or property belonging to or used by another, or
22 with the use of employment thereof; or

23 (f) To commit any act injurious to the public health,
24 to public morals, trade or commerce, or for the perversion or
25 obstruction of justice, or of the due administration of the laws;
26 or

27 (g) To overthrow or violate the laws of this state
28 through force, violence, threats, intimidation, or otherwise; or

29 (h) To accomplish any unlawful purpose, or a lawful
30 purpose by any unlawful means; such persons, and each of them,
31 shall be guilty of a felony and upon conviction may be punished by
32 a fine of not more than five thousand dollars (\$5,000.00) or by
33 imprisonment for not more than five (5) years, or by both.

34 Provided, that where the crime conspired to be committed is
35 capital murder or murder as defined by law or is a violation of
36 Section 41-29-139(a)(1), (c)(1)(D) or (E) or (c)(2)(F) or (G) or
37 Section 41-29-313(1)(a), * * * being provisions of the Uniform
38 Controlled Substances Law, the offense shall be punishable by a
39 fine of not more than five hundred thousand dollars (\$500,000.00)
40 or by imprisonment for not more than twenty (20) years, or by
41 both.

42 Provided, that where the crime conspired to be committed is a
43 misdemeanor, then upon conviction said crime shall be punished as
44 a misdemeanor as provided by law.

45 **SECTION 2.** This act shall take effect and be in force from
46 and after July 1, 2006.