

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2488

1 AN ACT TO AMEND SECTION 97-17-70, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE ELEMENTS OF THE CRIME OF RECEIVING STOLEN PROPERTY
3 TO ELIMINATE AN ADMISSION OF HAVING STOLEN THE PROPERTY AS A
4 DEFENSE TO THE CHARGE OF RECEIVING; AND FOR RELATED PURPOSES.

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

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

8 97-17-70. (1) A person commits the crime of receiving
9 stolen property if he intentionally possesses, receives, retains
10 or disposes of stolen property knowing that it has been stolen or
11 having reasonable grounds to believe it has been stolen, unless
12 the property is possessed, received, retained or disposed of with
13 intent to restore it to the owner.

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

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

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

27 (4) Any person who shall be convicted of receiving stolen
28 property which exceeds Five Hundred Dollars (\$500.00) in value

29 shall be committed to the custody of the State Department of
30 Corrections for a term not exceeding ten (10) years or by a fine
31 of not more than Ten Thousand Dollars (\$10,000.00), or both.

32 (5) Any person who shall be convicted of receiving stolen
33 property which does not exceed Five Hundred Dollars (\$500.00) in
34 value shall be punished by imprisonment for not more than six (6)
35 months or by a fine of not more than One Thousand Dollars
36 (\$1,000.00), or both.

37 **SECTION 2.** This act shall take effect and be in force from
38 and after July 1, 2007.