

By: Senator(s) Hewes, Gollott

To: Judiciary, Division B

SENATE BILL NO. 3020

1 1 AN ACT TO AMEND SECTIONS 97-25-4, 97-25-5 AND 97-25-35,
2 MISSISSIPPI CODE OF 1972, TO INCREASE PENALTIES AND REQUIRE
3 RESTITUTION FOR CERTAIN CRIMES RELATING TO RAILROAD PROPERTY; AND
4 FOR RELATED PURPOSES.

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

6 SECTION 1. Section 97-25-4, Mississippi Code of 1972, is
7 amended as follows:

8 97-25-4. (1) Except as otherwise provided in subsection (2)
9 of this section, it shall be unlawful for any person to do any of
10 the following acts without first having obtained written
11 permission from the owner or operator of the railroad line:

12 (a) To attempt to board or disembark from a moving
13 freight train;

14 (b) To damage or deface, or attempt to damage or
15 deface, railroad track, signals, switches, buildings, structures,
16 bridges, right-of-way, wire lines, motive power, rolling stock or
17 other property; or

18 (c) To dump, or cause to be dumped, upon railroad
19 right-of-way any paper, ashes, sweepings, household wastes, glass,
20 metal, tires, mattresses, furniture, dangerous substances or any
21 other refuse or substance of any kind.

22 (2) Subsection (1) of this section shall not apply to:

23 (a) Railroad employees engaged in the performance of
24 their duties; or

25 (b) Representatives of utilities or other agencies with
26 easements across or along the railroad in the performance of their
27 duties.

28 (3) Any person who violates the provisions of this section
29 shall be guilty of a misdemeanor, and upon conviction thereof, be
30 punished by imprisonment for not more than thirty (30) days or by
31 a fine of not less than One Hundred Dollars (\$100.00) but not more
32 than Four Hundred Dollars (\$400.00), or both, and may be required
33 to pay any clean-up costs. In addition, any person who is
34 convicted for a violation of subsection (1)(b) or subsection
35 (1)(c) of this section shall be ordered by the court to make
36 restitution to the owners or operators of the railroad line or
37 property in an amount determined by the court to compensate for
38 all damages caused by such person and all costs related to cleanup
39 necessitated as a result of such person's unlawful conduct.

40 (4) The penalties provided for in this section shall be in
41 addition to any other penalties provided by law for the same or
42 similar acts.

43 (5) As used in this section the term "right-of-way" means
44 track, roadbed and adjacent property which would be readily
45 recognizable to a reasonable person as railroad property.

46 **SECTION 2.** Section 97-25-5, Mississippi Code of 1972, is
47 amended as follows:

48 97-25-5. If any person shall wilfully obliterate, injure or
49 destroy any railroad-gate, warning signals, cattle-gap or any
50 board or sign erected or maintained by a railroad company in
51 pursuance of law, he shall be fined not less than One Hundred
52 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or
53 be imprisoned in the county jail not exceeding three (3) months,
54 or both. In addition, any person who is convicted for a violation
55 of this section shall be ordered by the court to make restitution
56 to the owners or operators of the railroad line or property in an
57 amount determined by the court to compensate for all damages
58 caused by such person and all costs related to cleanup
59 necessitated as a result of such person's unlawful conduct.

60 **SECTION 3.** Section 97-25-35, Mississippi Code of 1972, is
61 amended as follows:

62 97-25-35. If any person shall maliciously remove, take,
63 steal, change or in any manner interfere with any railroad
64 transmission line, signaling device, microwave tower or any of the
65 parts or attachments belonging to any communication or signaling
66 device owned, leased or used by any railroad or transportation
67 company, he shall, on conviction, be fined not more than Three
68 Thousand Dollars (\$3,000.00), or shall be imprisoned not more than
69 five (5) years, or both. In addition, any person who is convicted
70 for a violation of this section shall be ordered by the court to
71 make restitution to the owners or operators of the railroad line
72 or property in an amount determined by the court to compensate for
73 all damages caused by such person and all costs related to cleanup
74 necessitated as a result of such person's unlawful conduct.

75 **SECTION 4.** This act shall take effect and be in force from
76 and after July 1, 2007.