

By: Senator(s) Fillingane

To: Judiciary, Division B

SENATE BILL NO. 2100

1 AN ACT TO AMEND SECTION 97-17-70, MISSISSIPPI CODE OF 1972,
 2 TO REMOVE THE REQUIREMENT THAT A PERSON KNOW THAT PROPERTY WAS
 3 STOLEN IN ORDER TO BE CONVICTED OF THE CRIME OF RECEIVING STOLEN
 4 PROPERTY; TO CLARIFY THAT THE CRIME OF RECEIVING STOLEN PROPERTY
 5 APPLIES TO STOLEN MOTOR VEHICLES; TO PROVIDE THAT RECEIPT OF
 6 STOLEN PROPERTY VALUED AT A CERTAIN AMOUNT SHALL BE A FELONY WITH
 7 A REQUIRED MINIMUM TERM OF IMPRISONMENT; AND FOR RELATED PURPOSES.

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

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

11 97-17-70. (1) A person commits the crime of receiving
 12 stolen property if he intentionally possesses, receives, retains
 13 or disposes of stolen property * * *, unless the property is
 14 possessed, received, retained or disposed of with intent to
 15 restore it to the owner.

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

19 (3) (a) Evidence that the person charged under this section
 20 stole the property that is the subject of the charge of receiving



21 stolen property is not a defense to a charge under this section;
22 however, dual charges of both stealing and receiving the same
23 property shall not be brought against a single defendant in a
24 single jurisdiction.

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

29 (4) Any person who shall be convicted of receiving stolen
30 property, including a stolen motor vehicle, which exceeds One
31 Thousand Dollars (\$1,000.00) or more, but less than Five Thousand
32 Dollars (\$5,000.00) in value shall be punished by imprisonment in
33 the custody of the State Department of Corrections for a term not
34 exceeding five (5) years or by a fine of not more than Ten
35 Thousand Dollars (\$10,000.00), or both.

36 (5) Any person who shall be convicted of receiving stolen
37 property, including a stolen motor vehicle, which exceeds Five
38 Thousand Dollars (\$5,000.00) or more, but less than Twenty-five
39 Thousand Dollars (\$25,000.00) in value shall be punished by
40 imprisonment in the custody of the State Department of Corrections
41 for a term not exceeding ten (10) years or by a fine of not more
42 than Ten Thousand Dollars (\$10,000.00), or both.

43 (6) Any person who shall be convicted of receiving stolen
44 property, including a stolen motor vehicle, which exceeds
45 Twenty-five Thousand Dollars (\$25,000.00) in value shall be



46 punished by imprisonment in the custody of the State Department of
47 Corrections for a term not less than five (5) years but not
48 exceeding twenty (20) years or by a fine of not more than Ten
49 Thousand Dollars (\$10,000.00), or both.

50 (7) Any person who shall be convicted of receiving stolen
51 property which does not exceed One Thousand Dollars (\$1,000.00) in
52 value may be punished by imprisonment in the county jail for not
53 more than six (6) months or by a fine of not more than One
54 Thousand Dollars (\$1,000.00), or both, if the court finds
55 substantial and compelling reasons why the offender cannot be
56 safely and effectively supervised in the community, is not
57 amenable to community-based treatment, or poses a significant risk
58 to public safety. If such a finding is not made, the court shall
59 suspend the sentence of imprisonment and impose a period of
60 probation not exceeding one (1) year or a fine of not more than
61 One Thousand Dollars (\$1,000.00), or both. Any person convicted
62 of a third or subsequent offense under this subsection where the
63 value of the property is not less than Five Hundred Dollars
64 (\$500.00), shall be imprisoned in the Penitentiary for a term not
65 exceeding three (3) years or fined an amount not exceeding One
66 Thousand Dollars (\$1,000.00), or both.

67 **SECTION 2.** This act shall take effect and be in force from
68 and after July 1, 2023.

