

By: Representative Denton

To: Judiciary A

HOUSE BILL NO. 494

1 AN ACT TO BRING FORWARD SECTION 99-19-18, MISSISSIPPI CODE OF
2 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTION
3 97-11-53, MISSISSIPPI CODE OF 1972, TO MAKE MINOR, NONSUBSTANTIVE
4 CHANGES; TO BRING FORWARD SECTIONS 97-11-31, 97-11-13, 97-11-25
5 AND 97-11-27, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF
6 POSSIBLE AMENDMENT; TO AMEND SECTION 97-11-29, MISSISSIPPI CODE OF
7 1972, TO MAKE MINOR, NONSUBSTANTIVE CHANGES; TO BRING FORWARD
8 SECTIONS 97-11-33 AND 97-17-41, MISSISSIPPI CODE OF 1972, FOR THE
9 PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTIONS 97-17-43 AND
10 97-23-19, MISSISSIPPI CODE OF 1972, TO MAKE MINOR, NONSUBSTANTIVE
11 CHANGES; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 99-19-18, Mississippi Code of 1972, is
14 brought forward as follows:

15 99-19-18. When any person is convicted of a felony or
16 felonies in which public funds in the amount of Ten Thousand
17 Dollars (\$10,000.00) or more were unlawfully taken, obtained or
18 misappropriated, the sentence imposed by the court shall include a
19 minimum term of imprisonment of one (1) year in the custody of the
20 Department of Corrections. Notwithstanding any other law to the
21 contrary, such mandatory minimum term shall not be reduced or



suspended nor shall such person be eligible for probation or parole before the expiration of one (1) year of incarceration.

SECTION 2. Section 97-11-53, Mississippi Code of 1972, is amended as follows:

97-11-53. As used in this section the following words shall have the following meaning:

* * * (a) Person: individual, firm, corporation, association, partnership or other legal entity.

* * * (b) Public official:

* * * (i) Any elected official of the State of Mississippi or of any political subdivision thereof, or

* * * (ii) Any officer, director, commissioner, supervisor, chief, head, agent or employee of:

* * * 1. The State of Mississippi,

* * * 2. Any agency of the State of Mississippi,

* * * 3. Any political subdivision of the State of Mississippi,

* * * 4. Any body politic of the State of Mississippi, or

* * * 5. Any entity created by or under the laws of the State of Mississippi or by executive order of the Governor of the State of Mississippi and which expends public funds.



56 No person shall directly or indirectly offer, promise, give
57 or agree to give to any public official or his spouse any money,
58 property, or other tangible or intangible thing of value as an
59 inducement or incentive for (a) the awarding or refusal to award a
60 contract by any of the entities referred to in * * * items 1
61 through * * * 5 of * * * paragraph (b)(ii) of this section; (b)
62 the purchase, sale or lease of property by any of the entities
63 referred to in * * * items 1 through * * * 5 of * * * paragraph
64 (b)(ii) of this section; or (c) the accomplishment of any official
65 act or purpose involving public funds or public trust.

56 Any person who violates the terms of this section shall be
57 guilty of a felony and shall, upon conviction, be imprisoned in
58 the Penitentiary not more than ten (10) years, or be fined not
59 more than Five Thousand Dollars (\$5,000.00), or both; and in
60 addition such person and the firm, corporation, partnership,
61 association or other type of business entity which he represents
62 shall be barred for a period of five (5) years from the date of
63 conviction from doing business with the State of Mississippi or
64 any political subdivision thereof or any other public entity
65 referred to in this section.

66 No public official shall directly or indirectly accept,
67 receive, offer to receive or agree to receive any gift, offer, or
68 promise of any money, property or other tangible or intangible
69 thing of value as an inducement or incentive for (a) the awarding
70 or refusal to award a contract by any of the entities referred to



71 in * * * items 1 through * * * 5 of * * * paragraph (b)(ii) of
72 this section; (b) the purchase, sale or lease of property by any
73 of the entities referred to in * * * items 1 through * * * 5
74 of * * * paragraph (b)(ii) of this section; or (c) the
75 accomplishment of any official act or purpose involving public
76 funds or public trust.

77 Any public official who violates the terms of this section or
78 whose spouse does so with his knowledge and consent, shall be
79 guilty of a felony and shall, upon conviction, be imprisoned in
80 the Penitentiary not more than ten (10) years, or be fined not
81 more than Five Thousand Dollars (\$5,000.00), or both; and in
82 addition, upon conviction such public official shall forfeit his
83 office, if any he hold, and be forever disqualified from holding
84 any public office, trust, appointment or employment with the State
85 of Mississippi or any political subdivision thereof or with any
86 other public entity referred to in this section.

87 Each violation of the provisions of this section shall
88 constitute a separate offense.

89 **SECTION 3.** Section 97-11-31, Mississippi Code of 1972, is
90 brought forward as follows:

91 97-11-31. If any officer, or other person employed in any
92 public office, shall commit any fraud or embezzlement therein, he
93 shall be committed to the Department of Corrections for not more
94 than ten (10) years, or be fined not more than Five Thousand
95 Dollars (\$5,000.00), or both.



96 **SECTION 4.** Section 97-11-13, Mississippi Code of 1972, is
97 brought forward as follows:

98 97-11-13. If any officer, agent or trustee shall accept any
99 gift, offer or promise, prohibited by Section 97-11-11, he shall,
100 on conviction, be forever disqualified from holding any public
101 office, trust or appointment, and shall forfeit his office, if any
102 be held, and be imprisoned in the Penitentiary not more than ten
103 (10) years, or be fined not more than Five Thousand Dollars
104 (\$5,000.00), or both.

105 **SECTION 5.** Section 97-11-25, Mississippi Code of 1972, is
106 brought forward as follows:

107 97-11-25. If any state officer or any county officer, or an
108 officer in any district or subdivision of a county, or an officer
109 of any city, town or village, or a notary public, or any other
110 person holding any public office or employment, or any executor,
111 administrator or guardian, or any trustee of an express trust, any
112 master or commissioner or receiver, or any attorney at law or
113 solicitor, or any bank or collecting agent, or other person
114 engaged in like public employment, or any other person undertaking
115 to act for others and intrusted by them with business of any kind,
116 or with money, shall unlawfully convert to his own use any money
117 or other valuable thing which comes to his hands or possession by
118 virtue of his office or employment, or shall not, when lawfully
119 required to turn over such money or deliver such thing,
120 immediately do so according to his legal obligation, he shall, on



conviction, be committed to the Department of Corrections for not more than twenty (20) years, or be fined not more than Five Thousand Dollars (\$5,000.00).

SECTION 6. Section 97-11-27, Mississippi Code of 1972, is brought forward as follows:

97-11-27. If any officer or agent of this state, or of any county or subdivision of a county, or of any city, town, or village therein, in whose hands money, books, records, papers, or anything else required by law to be delivered by him to his successor in office or other person authorized by law to receive or have charge of the same, may be, shall willfully and not in good faith refuse or neglect, on demand, to so deliver the same, he shall, on conviction, be imprisoned in the Penitentiary not more than ten (10) years, or be fined not more than One Thousand Dollars (\$1,000.00) and be imprisoned in the county jail not more than one (1) year.

SECTION 7. Section 97-11-29, Mississippi Code of 1972, is amended as follows:

97-11-29. The State Treasurer, Auditor of Public Accounts, assessors and collectors of taxes, and all other state and county officers, and officers of cities, towns and villages, shall make and keep in their offices, subject to inspection at all times, an accurate entry of each and every sum of public money, securities, stocks, or other public money whatever, by them received, transferred, or disbursed; and if any of said officers, either



municipal, county or state, or a clerk, agent or employee of such officers, shall willfully and fraudulently make any false entry therein or make any certificate or endorsement of any warrant on the Treasury that the same is genuine, when the same is in fact not a genuine warrant, or shall loan any portion of the public * * * monies, securities, stocks, or other public property * * * entrusted to him, for any purpose whatever, or shall, by willful act or omission of duty whatever, defraud, or attempt to defraud, the state, or any county, city, town or village, of any * * * monies, security, or property, he shall, on conviction thereof, be guilty of embezzlement, and fined not less than double the amount or value of the * * * monies, security, stock or other property so embezzled, or committed to the Department of Corrections for not more than ten (10) years, or both.

SECTION 8. Section 97-11-33, Mississippi Code of 1972, is brought forward as follows:

97-11-33. If any judge, justice court judge, sheriff, deputy sheriff, sheriff's employee, constable, assessor, collector, clerk, county medical examiner, county medical examiner investigator, employee of the Mississippi Department of Corrections, employee of any contractor providing incarceration services or any other officer, shall knowingly demand, take or collect, under color of his office, any money fee or reward whatever, not authorized by law, or shall demand and receive,



171 knowingly, any fee for service not actually performed, such
172 officer, so offending, shall be guilty of extortion, and, on
173 conviction, shall be punished by fine not exceeding Five Thousand
174 Dollars (\$5,000.00), or imprisonment for not more than five (5)
175 years, or both, and shall be removed from office.

176 **SECTION 9.** Section 97-17-41, Mississippi Code of 1972, is
177 brought forward as follows:

178 97-17-41. (1) Any person who shall be convicted of taking
179 and carrying away, feloniously, the personal property of another,
180 of the value of One Thousand Dollars (\$1,000.00) or more, but less
181 than Five Thousand Dollars (\$5,000.00), shall be guilty of grand
182 larceny, and shall be imprisoned in the Penitentiary for a term
183 not exceeding five (5) years; or shall be fined not more than Ten
184 Thousand Dollars (\$10,000.00), or both. The total value of
185 property taken and carried away by the person from a single victim
186 shall be aggregated in determining the gravity of the offense.

187 (2) Any person who shall be convicted of taking and carrying
188 away, feloniously, the personal property of another, of the value
189 of Five Thousand Dollars (\$5,000.00) or more, but less than
190 Twenty-five Thousand Dollars (\$25,000.00), shall be guilty of
191 grand larceny, and shall be imprisoned in the Penitentiary for a
192 term not exceeding ten (10) years; or shall be fined not more than
193 Ten Thousand Dollars (\$10,000.00), or both. The total value of
194 property taken and carried away by the person from a single victim
195 shall be aggregated in determining the gravity of the offense.



196 (3) Any person who shall be convicted of taking and carrying
197 away, feloniously, the personal property of another, of the value
198 of Twenty-five Thousand Dollars (\$25,000.00) or more, shall be
199 guilty of grand larceny, and shall be imprisoned in the
200 Penitentiary for a term not exceeding twenty (20) years; or shall
201 be fined not more than Ten Thousand Dollars (\$10,000.00), or both.
202 The total value of property taken and carried away by the person
203 from a single victim shall be aggregated in determining the
204 gravity of the offense.

205 (4) (a) Any person who shall be convicted of taking and
206 carrying away, feloniously, the property of a church, synagogue,
207 temple or other established place of worship, of the value of One
208 Thousand Dollars (\$1,000.00) or more, shall be guilty of grand
209 larceny, and shall be imprisoned in the Penitentiary for a term
210 not exceeding ten (10) years, or shall be fined not more than Ten
211 Thousand Dollars (\$10,000.00), or both.

212 (b) Any person who shall be convicted of taking and
213 carrying away, feloniously, the property of a church, synagogue,
214 temple or other established place of worship, of the value of
215 Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty
216 of grand larceny, and shall be imprisoned in the Penitentiary for
217 a term not exceeding twenty (20) years, or shall be fined not more
218 than Ten Thousand Dollars (\$10,000.00), or both. The total value
219 of property taken and carried away by the person from a single



victim shall be aggregated in determining the gravity of the offense.

SECTION 10. Section 97-17-43, Mississippi Code of 1972, is amended as follows:

97-17-43. (1) If any person shall feloniously take, steal and carry away any personal property of another under the value of One Thousand Dollars (\$1,000.00), he shall be guilty of petit larceny and, upon conviction, may be punished by imprisonment in the county jail not exceeding six (6) months or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both, if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine not exceeding One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this section where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both.



(2) If any person shall feloniously take, steal and carry away any property of a church, synagogue, temple or other established place of worship under the value of One Thousand Dollars (\$1,000.00), he shall be guilty of petit larceny and, upon conviction, may be punished by imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or both, if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine not exceeding Two Thousand Dollars (\$2,000.00), or both. Any person convicted of a third or subsequent offense under this section where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both.

(3) Any person who leaves the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of a motor vehicle by driving away in that motor vehicle without having made due payment or authorized charge for the motor fuel so dispensed, with intent to defraud the retail establishment, shall be guilty of petit larceny and punished as



provided in subsection (1) of this section and, upon any second or subsequent such offense, the driver's license of the person shall be suspended as follows:

(a) The person shall submit the driver's license to the court upon conviction and the court shall forward the driver's license to the Department of Public Safety.

(b) The first suspension of a driver's license under this subsection shall be for a period of six (6) months.

(c) A second or subsequent suspension of a driver's license under this subsection shall be for a period of one (1) year.

(d) At the expiration of the suspension period, and upon payment of a restoration fee of Twenty-five Dollars (\$25.00), the suspension shall terminate and the Department of Public Safety shall return the person's driver's license to the person. The restoration fee shall be in addition to the fees provided for in Chapter 1, Title 63, * * * and shall be deposited into the State General Fund in accordance with Section 45-1-23.

SECTION 11. Section 97-23-19, Mississippi Code of 1972, is amended as follows:

97-23-19. If any person shall embezzle or fraudulently secrete, conceal, or convert to his own use, or make way with, or secrete with intent to embezzle or convert to his own use, any goods, rights in action, money, or other valuable security, effects, or property of any kind or description which shall have



come or been entrusted to his care or possession by virtue of his office, position, place, or employment, either in mass or otherwise, he shall be guilty of embezzlement.

(a) Any person guilty of embezzlement of any goods, rights of action, money, or other valuable security, effects or property of any kind or description with a value of less than One Thousand Dollars (\$1,000.00), shall be guilty of misdemeanor embezzlement, and, upon conviction thereof, may be sentenced to a term of imprisonment in the county jail not exceeding six (6) months, or fined not more than One Thousand Dollars (\$1,000.00), or both, if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both.

(b) Any person guilty of embezzlement of any goods, rights in action, money, or other valuable security, effects or property of any kind or description with a value of One Thousand



Dollars (\$1,000.00) or more, but less than Five Thousand Dollars (\$5,000.00), shall be guilty of felony embezzlement, and, upon conviction thereof, shall be imprisoned in the custody of the Department of Corrections not more than five (5) years, or fined not more than Five Thousand Dollars (\$5,000.00), or both.

(c) Any person guilty of embezzlement of any goods, rights in action, money, or other valuable security, effects or property of any kind or description with a value of Five Thousand Dollars (\$5,000.00) or more, but less than Twenty-five Thousand Dollars (\$25,000.00), shall be guilty of felony embezzlement, and, upon conviction thereof, shall be imprisoned in the Penitentiary for not more than ten (10) years, or fined not more than Twenty-five Thousand Dollars (\$25,000.00), or both.

(d) Any person guilty of embezzlement of any goods, rights in action, money, or other valuable security, effects or property of any kind or description with a value of Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty of felony embezzlement, and, upon conviction thereof, shall be imprisoned in the Penitentiary not more than twenty (20) years, or fined not more than Twenty-five Thousand Dollars (\$25,000.00), or both.

SECTION 12. This act shall take effect and be in force from and after July 1, 2025.

