MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Ladner

To: Judiciary B

HOUSE BILL NO. 685

AN ACT TO AMEND SECTION 97-17-70, MISSISSIPPI CODE OF 1972, TO CREATE THE CRIME OF SELLING STOLEN PROPERTY; TO REQUIRE THE SELLER OF STOLEN PROPERTY TO REIMBURSE THE PURCHASER OF SUCH PROPERTY UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

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

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

(b) A person commits the crime of selling stolen property if he intentionally sells stolen property knowing that it has been stolen or having reasonable grounds to believe it has been stolen.

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

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

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

(4) Any person who shall be convicted of receiving <u>or selling</u> stolen property which exceeds One Thousand Dollars ($1,000.00) or more, but less than Five Thousand Dollars ($5,000.00) in value shall be punished by imprisonment in the custody of the State Department of Corrections for a term not exceeding five (5) years or by a fine of not more than Ten Thousand Dollars ($10,000.00), or both.

(5) Any person who shall be convicted of receiving <u>or selling</u> stolen property which exceeds Five Thousand Dollars ($5,000.00) or more<u>,</u> but less than Twenty-five Thousand Dollars ($25,000.00) in value shall be punished by imprisonment in the custody of the State Department of Corrections for a term not

exceeding ten (10) years or by a fine of not more than Ten Thousand Dollars ($10,000.00), or both.

(6) Any person who shall be convicted of receiving or selling stolen property which exceeds Twenty-five Thousand Dollars ($25,000.00) in value shall be punished by imprisonment in the custody of the State Department of Corrections for a term not exceeding twenty (20) years or by a fine of not more than Ten Thousand Dollars ($10,000.00), or both.

(7) Any person who shall be convicted of receiving or selling stolen property which does not exceed One Thousand Dollars ($1,000.00) in value may be punished by imprisonment in the county jail for not more than six (6) months or by a fine of 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 One Thousand Dollars ($1,000.00), or both.

(8) Any person convicted of selling stolen property shall repay or refund to the purchaser of the stolen property the total amount that the purchaser paid for the stolen property. Evidence that the purchaser knew or had reasonable grounds to believe that the property that he or she was purchasing was stolen is a defense against repayment or refund under this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

ST: Stolen property; create crime for the sale of and require refund to purchaser of, under certain conditions.